

**LOUISVILLE METRO COUNCIL
REGULAR MEETING
JUNE 26, 2008
6:00 PM
METRO COUNCIL CHAMBERS**

CALL TO ORDER: President King called the **June 26, 2008** Louisville Metro Council meeting to order at 6:00 PM. He asked all to rise and join in the Pledge Allegiance to the flag.

PRESIDENT KING: Madam Clerk, a roll call please.

ROLL CALL:

JUDY GREEN: PRESENT
BARBARA SHANKLIN: PRESENT
MARY WOOLRIDGE: PRESENT
DAVID TANDY: PRESENT
CHERI HAMILTON: PRESENT
GEORGE UNSELD: PRESENT
KEN FLEMING: @6:06 pm
TOM OWEN: PRESENT
TINA WARD-PUGH: PRESENT
PRESIDENT JIM KING: PRESENT
KEVIN KRAMER: PRESENT
RICK BLACKWELL: PRESENT
VICKI WELCH: PRESENT
BOB HENDERSON: PRESENT
MARIANNE BUTLER: PRESENT
KELLY DOWNARD: PRESENT
GLEN STUCKEL: PRESENT
JULIE RAQUE ADAMS: PRESENT
HAL HEINER: PRESENT
STUART BENSON: PRESENT
DAN JOHNSON: PRESENT@ 6:06 pm
ROBIN ENGEL: PRESENT
JAMES PEDEN: PRESENT
MADONNA FLOOD: PRESENT@6:06 pm
DOUG HAWKINS: PRESENT
ELLEN CALL: PRESENT@6:43pm

CLERK: There are 25 members PRESENT. A quorum was established.

PRESIDENT KING: Madam Clerk, please cause the record to reflect that Councilwoman Welch has an excused absence.

CLERK: So noted

ADDRESSES TO COUNCIL:

PRESIDENT KING: Madam Clerk, are there any addresses to council?

CLERK: Yes, sir

The following spoke:

**David Morse: Transportation in Metro Louisville
John Jeffries – Home Owner and Bank Protection Act**

APPROVAL OF COUNCIL MINUTES

PRESIDENT KING: Thank you, Madam Clerk. Next, we have approval of Council minutes for the Regular Council Meeting of June 26th, 2008.

Are there any corrections or deletions?

May I have a motion for approval?

COUNCILWOMAN WARD=PUGH: So moved.

COUNCILWOMAN WOOLRIDGE: Second

PRESIDENT KING: The minutes have been properly moved and seconded.

All those in favor, say aye.

ALL PRESENT: AYE

Opposed?

The ayes have it. **These minutes are approved as written.**

APPROVAL OF COMMITTEE MINUTES:

PRESIDENT KING: Next, we have approval of the following committee minutes:

SPECIAL: Appropriations, NDFs and CIFs – June 19, 2008

SPECIAL: Budget – June 25, 2008

Regular: Committee of the Whole – June 12, 2008

Regular: Committee on Committees – June 24, 2008

Regular: Contracts – June 16, 2008

SPECIAL: Planning/Zoning, Land Design & Development – June 19, 2008

SPECIAL: Rules, Ethics and Appointments – June 16, 2008

Regular: Transportation/Public Works – June 16, 2008

PRESIDENT KING: Are there any corrections or deletions? May I have a motion for approval?

COUNCILWOMAN WOOLRIDGE: So moved.

COUNCILMAN JOHNSON: Second.

PRESIDENT KING: The minutes have been properly moved and seconded.

All those in favor, say aye.

ALL PRESENT: AYE

Opposed? The ayes have it.

The minutes are approved as written.

INTRODUCTION OF PAGE:

Councilman Tandy, do you have a page tonight?

COUNCILMAN TANDY: I do, Mr. President. Tonight, allow me to introduce our 4th District page, Mr. Keontez Sutton. Mr. Sutton, please stand, sir. Mr. Sutton is an 11-year-old rising sixth grader at Meyzeek Middle School, and Keontez is the son of Miss Keshawna Hughes, and they live in the Shepherds Square complex, which is in the Smoketown neighborhood. Keontez is very active in the community and participates in several programs including the 4th District Clean Team. He enjoys reading, dancing, tutoring younger children, and is currently one of the participants in the freedom school program at Presbyterian Community Center. And the director of that program, Ms. Marilyn Marshall, is here with Keontez tonight. He also is a member of the Straight Legit Dance Team, which will be performing this August in New York City. So colleagues, please join me in welcoming Mr. Keontez Sutton tonight as our page.

GUESTS:

PRESIDENT KING: Sorry about that. We've got several distractions up here we're working through here. Not that Ms. Stenberg is a distraction. That's all right.

Councilwoman Shanklin, would you like to be introduced to introduce your guests?

COUNCILWOMAN SHANKLIN: I want to introduce to you tonight Mr. Lawrence Berry, but before I even speak of Mr. Berry, I want Ms. Jones to tell us about all the things he does in the Newburg community. I never met Mr. Berry. This is my first time. Ms. Jones is a longstanding resident in the area, and she called my office and informed me all the good things that he does in the community, so she's going to tell us about it.

MS JONES: I'd like to introduce Mr. Lawrence Berry. I met him about 25 years ago when I first moved here to Louisville, Kentucky. And him and his wife have been good neighbors, and him and my husband used to cut the grass and just got along and do ball games and stuff together. Well, my husband became ill, and Mr. Berry cut the grass and all down the alley, clean from one end of the alley to the other one, and the yards and everything. Then when my husband had a stroke, he continued to do that. He come by every morning and drink coffee with him every morning. He encourages him so he don't get depressed. He talks to him about the ball game and jokes with him and keeps him up on everything. Also, Mr. Berry is a very, very good neighbor. Our next-door neighbor, he became ill with back surgery. He went over and started cutting his grass. He keeps his grass cut. And anything that he can do for anybody, Mr. Berry just always eager to do something. And I feel like when you find a neighbor like this that are interested in their other neighbors and interested in keeping up things so things don't go down or go bad and paint around your house and trim around your house and do those type of things, even take out my garbage every week, he does that, and I just think they should be recognized because you don't find these kind of neighbors every day. And I just want him to be recognized and let people know there are good people, still good people and good neighbors.

COUNCILWOMAN SHANKLIN: I have a certificate of merit to give you. This reads:

To all whom these letters shall come, greetings. Know ye that the Louisville Metro Government Legislative Council hereby honors and awards Mr. Lawrence Berry the Certificate of Merit in recognition of outstanding contributions to the community. We hereby confer these honors with all the rights, privileges, and responsibilities there unto appertaining in testimony whereof we have caused these letters to be made and the seal of the Louisville Metro Government to be hereunto affixed. Done in Louisville this 26th day of June, 2008, by Dr. Barbara Shanklin, District 2 Councilwoman.

And I also have one for Mr. William Paragon. Thank you. We really appreciate this, and I wish I had a neighbor like that, then I wouldn't have to cut the grass.

COMMUNICATIONS FROM THE MAYOR:

PRESIDENT KING: Madam Clerk, are there any communications from the mayor?

CLERK HERRON: Yes, sir.

June 23, 2008

Mr. Jim King, President
Metro Council
601 West Jefferson Street
Louisville, KY 40202

Dear President King:

In accordance with the Air Pollution Control Ordinance, I am appointing the following to the **Air Pollution Control Board**.

Name		Term
Bonnie Biemer	New Appointment	June 30, 2011
William Jacob	New Appointment	June 30, 2011

Your prompt action on these appointments is most appreciated.

Sincerely,

/s/ Jerry E. Abramson

Jerry E. Abramson
Mayor

JEA/set

cc: Councilman Ken Fleming enclosure
e-copy to MCC
Councilman George Unseld enclosure

June 23, 2008

Mr. Jim King, President
Metro Council
601 West Jefferson Street
Louisville, KY 40202

Dear President King:

In accordance with the Greater Louisville Convention and Visitors Bureau Ordinance, I am appointing William Tompkins to the **Greater Louisville Convention and Visitors Bureau**. This appointment will expire on August 16, 2008.

Your prompt action on this appointment is most appreciated.

Sincerely,

/s/ Jerry E. Abramson

Jerry E. Abramson
Mayor

JEA/set

cc: Councilman Ken Fleming enclosure
e-copy to MCC
Councilman George Unseld enclosure

June 23, 2008

Mr. Jim King, President
Metro Council
601 West Jefferson Street
Louisville, KY 40202

Dear President King:

In accordance with the Neighborhood Plan Task Force Ordinance, I am appointing the following to the **Park Hill Advisory Task Force**.

Name		Term
Neville Blakemore	New Appointment	N/A
Bruce Blue	New Appointment	N/A
Michael Brooks	New Appointment	N/A
Ralph Fitzpatrick	New Appointment	N/A
Carla Hines	New Appointment	N/A
Rev. Jim Hook	New Appointment	N/A
Richard Power	New Appointment	N/A
Manfred Reid, Sr.	New Appointment	N/A
Trevor Smith	New Appointment	N/A
Marty Snyder	New Appointment	N/A
Leonard Watkins	New Appointment	N/A

Council approval of these appointments is not required.

Sincerely,

/s/ Jerry E. Abramson

Jerry E. Abramson
Mayor

JEA/set

cc: Councilman Ken Fleming enclosure
e-copy to MCC
Councilman George Unseld enclosure

PRESIDENT KING: These appointments are referred to the Rules, Ethics and Appointments Committee for consideration.

CONSENT CALENDAR:

PRESIDENT KING: Our next order of business is the consent calendar. The consent calendar comprises items 12 through 37. Are there any additions or deletions? Councilman Fleming?

COUNCILMAN FLEMING: Thank you, Mr. President. I would like to move item number 25 to old business please.

PRESIDENT KING: Without objection, item number 25 moves to old business. Consent calendar now comprises items 12 through 24 and 26 through 37. Is that right, Madam Clerk?

Clerk: Actually it is item 12-24.

PRESIDENT KING: 12? I thought that was wrong. 12 through 24 and 26 through 37. Typo. Thank you.

PRESIDENT KING: Madam Clerk, a second reading of these items.

Consent Calendar:

12. AP061808RB APPOINTMENT OF ROBERT BAJANDAS TO THE HISTORIC LANDMARKS AND PRESERVATION DISTRICTS COMMISSION, TERM EXPIRES NOVEMBER 30, 2010.

Status: On Council Agenda - Consent Calendar
Committee: Rules, Ethics, & Appointments

13. AP061808JG APPOINTMENT OF JOHN E. GREGG TO THE JEFFERSONTOWN VOLUNTEER FIRE DISTRICT, TERM EXPIRES JUNE 30, 2011.

Status: On Council Agenda - Consent Calendar
Committee: Rules, Ethics, & Appointments

14. AP061808LW APPOINTMENT OF LENNIE WHEELER TO THE PLEASURE RIDGE PARK VOLUNTEER FIRE DISTRICT, TERM EXPIRES JUNE 30, 2011.

Status: On Council Agenda - Consent Calendar
Committee: Rules, Ethics, & Appointments

15. AP061808WC APPOINTMENT OF WILLIAM COHEN TO THE WORTHINGTON VOLUNTEER FIRE DISTRICT, TERM EXPIRES JUNE 30, 2011.

Status: On Council Agenda - Consent Calendar
Committee: Rules, Ethics, & Appointments

16. RP061808JC REAPPOINTMENT OF JIM CARPENTER TO THE ANCHORAGE VOLUNTEER FIRE DISTRICT, TERM EXPIRES JUNE 30, 2011.

Status: On Council Agenda - Consent Calendar
Committee: Rules, Ethics, & Appointments

17. RP061808HO REAPPOINTMENT OF HENRY OTT TO THE BUECHEL VOLUNTEER FIRE DISTRICT, TERM EXPIRES JUNE 30, 2011.

Status: On Council Agenda - Consent Calendar
Committee: Rules, Ethics, & Appointments

18. RP061808LB REAPPOINTMENT OF LAURENCE E. BARRY III TO THE CAMP TAYLOR VOLUNTEER FIRE DISTRICT, TERM EXPIRES JUNE 30, 2011.

Status: On Council Agenda - Consent Calendar
Committee: Rules, Ethics, & Appointments

19. RP061808DL REAPPOINTMENT OF DEBRA LEWIS TO THE DIXIE SUBURBAN VOLUNTEER FIRE DISTRICT, TERM EXPIRES JUNE 30, 2011.

Status: On Council Agenda - Consent Calendar
Committee: Rules, Ethics, & Appointments

20. RP061808CF REAPPOINTMENT OF CHERYL FUST TO THE EASTWOOD VOLUNTEER FIRE DISTRICT, TERM EXPIRES JUNE 30, 2011.

Status: On Council Agenda - Consent Calendar
Committee: Rules, Ethics, & Appointments

21. RP061808LJ REAPPOINTMENT OF LINDA JOHNSTONE TO THE FAIRDALE VOLUNTEER FIRE DISTRICT, TERM EXPIRES JUNE 30, 2011.

Status: On Council Agenda - Consent Calendar
Committee: Rules, Ethics, & Appointments

22. RP061808BKN REAPPOINTMENT OF BRIAN K. NEWMAN TO THE FERN CREEK VOLUNTEER FIRE DISTRICT, TERM EXPIRES JUNE 30, 2011.

Status: On Council Agenda - Consent Calendar
Committee: Rules, Ethics, & Appointments

23. RP061808BL REAPPOINTMENT OF BYRON LEET TO THE HARRODS CREEK VOLUNTEER FIRE DISTRICT, TERM EXPIRES JUNE 30, 2011.

Status: On Council Agenda - Consent Calendar
Committee: Rules, Ethics, & Appointments

24. RP061808JW REAPPOINTMENT OF JOHN WILKINSON, JR. TO THE LAKE DREAMLAND VOLUNTEER FIRE DISTRICT, TERM EXPIRES JUNE 30, 2011.

Status: On Council Agenda - Consent Calendar
Committee: Rules, Ethics, & Appointments

Item 25 moved to Old Business

26. RP061808MH REAPPOINTMENT OF MICHAEL HARLAMERT TO THE MCMAHAN VOLUNTEER FIRE DISTRICT, TERM EXPIRES JUNE 30, 2011.

Status: On Council Agenda - Consent Calendar
Committee: Rules, Ethics, & Appointments

27. RP061808LD REAPPOINTMENT OF LINDA DARST TO THE MIDDLETOWN VOLUNTEER FIRE DISTRICT, TERM EXPIRES JUNE 30, 2011.

Status: On Council Agenda - Consent Calendar
Committee: Rules, Ethics, & Appointments

28. RP061808JR REAPPOINTMENT OF JACK RAGAN TO THE OKOLONA VOLUNTEER FIRE DISTRICT, TERM EXPIRES JUNE 30, 2011.

Status: On Council Agenda - Consent Calendar
Committee: Rules, Ethics, & Appointments

29. RP061808TE REAPPOINTMENT OF TOM EIFLER TO THE ST. MATTHEWS VOLUNTEER FIRE DISTRICT, TERM EXPIRES JUNE 30, 2011.

Status: On Council Agenda - Consent Calendar
Committee: Rules, Ethics, & Appointments

30. R-97-06-08 A RESOLUTION PURSUANT TO ORDINANCES 126 AND 127, SERIES 2007, APPROVING THE APPROPRIATION TO FUND THE FOLLOWING NONCOMPETITIVELY NEGOTIATED RENEWAL PROFESSIONAL SERVICE CONTRACT - (UNIVERSITY MEDICAL CENTER, INC. D/B/A UNIVERSITY OF LOUISVILLE HOSPITAL - \$40,000.00).

Status: On Council Agenda - Consent Calendar
Committee: Contracts
Primary Sponsor: Vicki Welch

31. R-101-06-08 A RESOLUTION PURSUANT TO ORDINANCES 126 AND 127, SERIES 2007, APPROVING THE APPROPRIATION TO FUND THE FOLLOWING NONCOMPETITIVELY NEGOTIATED RENEWAL PROFESSIONAL SERVICE CONTRACT - (UNIVERSITY PSYCHIATRIC SERVICES, P.S.C. - \$25,000.00).

Status: On Council Agenda - Consent Calendar
Committee: Contracts
Primary Sponsor: Judy Green

32. R-102-06-08 A RESOLUTION PURSUANT TO ORDINANCES 126 AND 127, SERIES 2007, APPROVING THE APPROPRIATION TO FUND THE FOLLOWING NONCOMPETITIVELY NEGOTIATED RENEWAL PROFESSIONAL SERVICE CONTRACT - (JOHN MALONEY - \$18,000.00).

Status: On Council Agenda - Consent Calendar
Committee: Contracts
Primary Sponsor: Vicki Welch

33. R-103-06-08 A RESOLUTION PURSUANT TO ORDINANCES 126 AND 127, SERIES 2007, APPROVING THE APPROPRIATION TO FUND THE FOLLOWING NONCOMPETITIVELY NEGOTIATED RENEWAL PROFESSIONAL SERVICE CONTRACT - (LOUISVILLE FEDERATION OF MUSICIANS LOCAL NUMBER 11-637 - \$30,000.00).

Status: On Council Agenda - Consent Calendar
Committee: Contracts
Primary Sponsor: Jim King

34. R-98-06-08 A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE AN AGREEMENT WITH THE KENTUCKY DEPARTMENT OF COMMERCE, KENTUCKY HERITAGE COUNCIL TO ACCEPT \$3,820.00 FOR PRESERVATION EDUCATION PROGRAMS.

Status: On Council Agenda - Consent Calendar
Committee: Planning/Zoning, Land Design & Development
Primary Sponsor: Tom Owen

35. O-105-06-08 AN ORDINANCE APPROPRIATING \$13,309.20 FROM THE DISTRICT 7 NEIGHBORHOOD DEVELOPMENT FUND TO THE LOUISVILLE METRO POLICE

DEPARTMENT TO FUND OVERTIME EXPENSES FOR OFFICERS TO PATROL RIVER ROAD AND COX PARK.

Status: On Council Agenda - Consent Calendar
Committee: Appropriations, NDFs and CIFs
Primary Sponsor: Kenneth C. Fleming

36. O-110-06-08 AN ORDINANCE APPROPRIATING \$3,500 FROM THE DISTRICT 20 NEIGHBORHOOD DEVELOPMENT FUND THROUGH THE DEPARTMENT OF FINANCE AND ADMINISTRATION TO THE JEFFERSON COUNTY PUBLIC EDUCATION FOUNDATION, INC. /FERN CREEK TRADITIONAL HIGH SCHOOL & CARRITHERS MIDDLE SCHOOL FOR TUTORING/COUNSELING SERVICES FOR STUDENTS, WHICH PREVIOUSLY RECEIVED \$3,500 FROM THE DISTRICT 22 NEIGHBORHOOD DEVELOPMENT FUND.

Status: On Council Agenda - Consent Calendar
Committee: Appropriations, NDFs and CIFs
Primary Sponsor: Stuart Benson

37. O-109-06-08 AN ORDINANCE AMENDING ORDINANCE NO. 126 SERIES 2007, RELATING TO THE FISCAL YEAR 2007-08 CAPITAL BUDGETS FOR THE LOUISVILLE/JEFFERSON COUNTY METRO GOVERNMENT BY TRANSFERRING \$50,000 OF CAPITAL CUMULATIVE RESERVE FUND BETWEEN CAPITAL PROJECTS.

Status: On Council Agenda - Consent Calendar
Committee: Budget
Primary Sponsor: David Tandy

PRESIDENT KING: Thank you, Madam Clerk. May I have a motion for approval?

COUNCILMAN JOHNSON: So moved.

COUNCILWOMAN WOOLRIDGE: Second.

PRESIDENT KING: The Consent calendar has been properly moved and seconded and calls for a roll call vote. Madam Clerk, please open the voting.

COUNCILMAN OWEN: Looks like I'm having some difficulty here. Let me get on. I'll be fine. I'm there. Go ahead and update.

PRESIDENT KING: Well, thank you.
Let me let her announce the totals.

Voting Result : Consent Calendar

JUDY GREEN: YES

BARBARA SHANKLIN: YES

MARY WOOLRIDGE: YES

DAVID TANDY: YES

CHERI HAMILTON: YES

GEORGE UNSELD: YES

KEN FLEMING: YES

TOM OWEN: YES

TINA WARD-PUGH: YES

PRESIDENT JIM KING: YES

KEVIN KRAMER: YES

RICK BLACKWELL: YES

VICKI WELCH: EXCUSED ABSENCE

BOB HENDERSON: YES

MARIANNE BUTLER: YES
KELLY DOWNARD: YES
GLEN STUCKEL: YES
JULIE RAQUE ADAMS: YES
HAL HEINER: YES
STUART BENSON: YES
DAN JOHNSON: YES
ROBIN ENGEL: YES
JAMES PEDEN: YES
MADONNA FLOOD: YES
DOUG HAWKINS: YES
ELLEN CALL: NOT VOTING

CLERK: There were 24 YES votes AND 2 NOT VOTING; Councilwoman Welch and Councilwoman Call.

PRESIDENT KING: **The Consent Calendar passes.**

What I was going to ask you Madam Clerk is Do we have other members present we need to reflect in the record?

CLERK: Yes, sir. Council Members Fleming, Johnson, and Flood.

PRESIDENT KING: Please cause the record to reflect their presence.

OLD BUSINESS:

PRESIDENT KING: The next item of business is Old Business. Madam Clerk, a reading of Item 25 is my records are correct.

CLERK: Yes sir.

25. RP061808JB REAPPOINTMENT OF JEFF BOONE TO THE LYNDON VOLUNTEER FIRE DISTRICT, TERM EXPIRES JUNE 30, 2011.

Status: On Council Agenda - Consent Calendar
Committee: Rules, Ethics, & Appointments

PRESIDENT KING: May I have a motion?

COUNCILWOMAN WOOLRIDGE: So moved.

PRESIDENT KING: Is there a second?

COUNCILMAN JOHNSON: Second.

PRESIDENT KING: This item has been properly moved and seconded for approval. Is there any discussion? Councilman Fleming.

COUNCILMAN FLEMING: Thank you, Mr. President. I just want to comment that this is going back to committee at the request of administration, and we're going to talk about it a little more in committee, so that's the reason.

PRESIDENT KING: Thank you. Without objection, this appointment will return to the Committee on Rules, Ethics, and Appointments. Madam Clerk, are we at item 38?

CLERK: Yes, sir.

38. RP061808BN REAPPOINTMENT OF BILL NORD TO THE HIGHVIEW VOLUNTEER FIRE DISTRICT, TERM EXPIRES JUNE 30, 2011.

Status: On Council Agenda - Old Business
Committee: Rules, Ethics, & Appointments

COUNCILMAN JOHNSON: So moved.
COUNCILWOMAN WOOLRIDGE: Second.
PRESIDENT KING: Councilwoman Adams, --
COUNCILWOMAN ADAMS: It's Councilman Peden.
PRESIDENT KING: Councilman Peden.
COUNCILMAN DOWNARD: They look a lot alike.

PRESIDENT KING: Councilman Downard is the one who said that. But my notes have it that it may have come out of your committee or Mr. Fleming's committee.

COUNCILWOMAN FLEMING: It came out of Rules.

PRESIDENT KING: I wondered if you needed to speak to it, Councilman Fleming, or if you would like me to have Councilman Peden do that.

COUNCILMAN FLEMING: Thank you I appreciate that.

PRESIDENT KING: Councilman Peden, would you like to speak to this?

COUNCILMAN PEDEN: I just need to abstain.

PRESIDENT KING: Any further discussion? Hearing none, we have an appointment before us. It would normally be a voice vote. In order to record Councilman Peden's abstention, I would ask the clerk to open the voting. Madam Clerk, please open the voting.

Voting result: Item 38

JUDY GREEN: YES
BARBARA SHANKLIN: YES
MARY WOOLRIDGE: YES
DAVID TANDY: YES
CHERI HAMILTON: YES
GEORGE UNSELD: YES
KEN FLEMING: YES
TOM OWEN: YES
TINA WARD-PUGH: YES
PRESIDENT JIM KING: YES
KEVIN KRAMER: YES
RICK BLACKWELL: YES
VICKI WELCH: EXCUSED ABSENCE
BOB HENDERSON: YES
MARIANNE BUTLER: YES
KELLY DOWNARD: YES
GLEN STUCKEL: YES
JULIE RAQUE ADAMS: YES
HAL HEINER: YES
STUART BENSON: YES
DAN JOHNSON: YES
ROBIN ENGEL: YES
JAMES PEDEN: ABSTAIN
MADONNA FLOOD: YES
DOUG HAWKINS: YES

ELLEN CALL: YES

CLERK: There are 23 yes votes and one abstention from Councilman Peden and one not voting, Councilwoman Welch.

PRESIDENT KING: Thank you. **The appointment passes with one abstention.**
Madam Clerk, a reading of Item 39.

39. O-97-05-08 AN ORDINANCE RELATING TO METHAMPHETAMINE CONTAMINATED PROPERTY, PUBLIC NUISANCES, AND THE PROPERTY MAINTENANCE CODE [AS AMENDED].

Status: On Council Agenda - Old Business
Committee: Transportation/Public Works
Primary Sponsor:
Vicki Welch
Rick Blackwell
Additional Sponsor:
Madonna Flood
Robert Henderson

COUNCILWOMAN WOOLRIDGE: So moved.
COUNCILMAN TANDY: Second.

PRESIDENT KING: This item has been properly moved and seconded. Is there any discussion?
Councilwoman Ward-Pugh.

COUNCILWOMAN WARD-PUGH: Thank you, Mr. President. This item was passed out of committee a couple of weeks ago and sent back because we had additional revisions or amendments, rather, to make to this ordinance. I'd like to make those at this time. I believe on page 3 of 156.057, number 3, *duties of Louisville/Jefferson County Metro Government agencies*, if you'll go down there, as it talks about the duty of police, we -- in addition to gambling, trafficking, any controlled substances, it was recommended by the County Attorney that we add marijuana in there as well so that *it is a violation of the law governing prostitution, gambling, trafficking, and marijuana or any controlled substances*.

The second amendment is on the following page, on 3, subset "C."
The receipt of certification of compliance with methamphetamine decontamination regulations from the appropriate certifying state agency, any such notice to property owners shall be by certified mail, return receipt requested. And I'd be glad to -- I'd make those amendments and be glad to speak a little bit about that.

COUNCILMAN JOHNSON: Second.

PRESIDENT KING: Is there any further discussion?

COUNCILWOMAN WARD-PUGH: Yes, sir, Mr. President. Just to read or to summarize this, the amendment is necessary to comply with state law regarding decontamination procedures. Under state law, it is the responsibility of the property owner to have a certified contractor handle the decontamination. The contractor then provides the Kentucky Division of Waste Management a certificate of decontamination. The Division then makes the determination whether or not to issue a Certificate of Compliance with Decontamination. That Certificate would then be sent to the local Health Department. The previous amendment suggested greater responsibility on the local agency than they actually have. The proposed amendment also calls for the property owner to be notified in addition to the code official. We did not want to assign more authority or responsibilities to our local Health Department and instead put it where the responsibility belongs, and that's why we made those amendments.

PRESIDENT KING: Thank you. Is there any further discussion? Mr. Blackwell.

COUNCILMAN BLACKWELL: Thank you. The -- the changes that you -- that are on here, I don't think they have double underlined the -- I think there was one other that maybe she just mentioned in the discussion but didn't mention as a change, where it added on the line there the property owner. You mentioned the marijuana and you mentioned the receipt -- the receipt on the -- on "C," it now reads *the Department shall notify the code official responsible for the enforcement of this chapter and the property owner at the time.*

COUNCILWOMAN WARD-PUGH: That's correct. You're right.

COUNCILMAN BLACKWELL: I thought you mentioned that.

COUNCILWOMAN WARD-PUGH: Right, that's correct.

COUNCILMAN BLACKWELL: That is part of the amendment as well?

COUNCILWOMAN WARD-PUGH: Yes, that's correct.

PRESIDENT KING: And you are adopting that as part of your amendment?

COUNCILWOMAN WARD-PUGH: Yes, I am.

PRESIDENT KING: Without objection. Any further discussion? This is amendment, calling for a voice vote. All those in favor, say aye.

ALL PRESENT: AYE

All opposed. The ayes have it. **The amendment passes.** I

Is there any further discussion? Hearing none, this is an ordinance, requiring a roll call vote. Madam Clerk, please open the voting.

Voting result: Item 39

JUDY GREEN: YES

BARBARA SHANKLIN: YES

MARY WOOLRIDGE: YES

DAVID TANDY: YES

CHERI HAMILTON: YES

GEORGE UNSELD: YES

KEN FLEMING: YES

TOM OWEN: YES

TINA WARD-PUGH: YES

PRESIDENT JIM KING: YES

KEVIN KRAMER: YES

RICK BLACKWELL: YES

VICKI WELCH: EXCUSED ABSENCE

BOB HENDERSON: YES

MARIANNE BUTLER: YES

KELLY DOWNARD: YES

GLEN STUCKEL: YES

JULIE RAQUE ADAMS: YES

HAL HEINER: YES

STUART BENSON: YES

DAN JOHNSON: YES

ROBIN ENGEL: YES

JAMES PEDEN: YES

MADONNA FLOOD: YES

DOUG HAWKINS: YES

ELLEN CALL: NOT VOTING

CLERK: There are 24 yes votes and two not voting, Councilwomen Welch and Call.

PRESIDENT KING: **The ordinance as amended passes.**

Madam Clerk, a reading of Item 40.

40. O-83-04-08 AN ORDINANCE OVERTURNING THE RECOMMENDATION OF THE PLANNING COMMISSION AND CHANGING THE ZONING FROM R-4 SINGLE FAMILY RESIDENTIAL TO CN NEIGHBORHOOD COMMERCIAL ON PROPERTY LOCATED AT 5911 SOUTH WATTERSON TRAIL, CONTAINING A TOTAL OF 6.3 ACRES AND BEING IN LOUISVILLE METRO (CASE NO. 9153) (AS AMENDED BY SUBSTITUTION).

Status: On Council Agenda - Old Business

Committee: Planning/Zoning, Land Design & Development

Primary Sponsor: Tom Owen

COUNCILMAN ENGEL: So moved.

COUNCILMAN JOHNSON: Second.

PRESIDENT KING: This item has been properly moved and seconded. Is there any discussion?
Councilman Owen?

COUNCILMAN OWEN: Yes, thank you, Mr. President. Colleagues, as you know, this has been a prolonged zoning case. As you recall, this involves the intersection of South Watterson Trail and the Hurstbourne Parkway extension, South Hurstbourne Parkway, in that zone from Bardstown Road over to Fegenbush Lane. There at South Watterson Trail, there had not been and there had not been any commercial development that had come before -- in a rezoning form -- had come before this body, so this was the first case. So there was a great deal of attention devoted to that proposal, which had been for a C-1 zone.

The committee -- the Zoning Committee, when it considered that, despite the unanimous recommendation of the Planning Commission, was uncomfortable with that proposal. We adopted some finding of facts that overturned that proposal for a C-1 zoning, which came to us as a recommendation from the Planning Commission. Then you returned those finding of facts back to the committee, the Zoning Committee. The Zoning Committee then instructed the County Attorney to enter into a discussion with the applicant and with other interested parties to see if there could not be developed a proposal for that corner, which would be the first fundamental change from R-4 zone at that intersection or anywhere along that South Hurstbourne Parkway, as extended toward Fegenbush Lane.

So those discussions produced a recommendation to the Committee with the agreement of the applicant that instead of a C-1 zone that there be a CN zone, a neighborhood commercial zone. That, in effect, we believe, as a committee -- that, in effect, moved that new development from what we would call a higher-density corridor commercial development to something that would be more fully related to the adjacent neighborhoods and what is believed to be emerging neighborhoods that would be along South Watterson Trail there.

So among the -- so what we adopted, then, was a -- in committee and what we bring to you is an amended -- an amended proposal which calls for a CN zone for that intersection. Among the provisions in what is coming before you tonight are cross-access agreements for the property immediately adjacent to the south, if it should be developed commercially, there would be some elimination of parking on the east side, there would be a reduction in the number of drive-throughs in the development, there would be a redesign of the site, a site plan which would be coming back to us within 180 days. The discussion would be -- the discussion was that some of what appeared to be more like a strip center would be broken up into nodes, that there would be some community gathering spots, that there would be sidewalks extended to the adjacent neighborhood, that the left-hand turn off of Hurstbourne Parkway southbound would be eliminated and instead it would be a right turn in and a right turn out only and that the primary access to the site then would be the South Watterson Trail exposure, and other provisions. But essentially the committee ended up agreeing that this was a significant proposal, a significant change for the better and that it provided much more a neighborhood center rather than what you would call a regional strip center or something like that. And so we were much more comfortable with it.

We are very, very grateful for the willingness of the applicant to make -- to make these changes and believe that we bring to you a proposal that is much, much stronger.

Now, there were two concerns that the applicant brought to us and that -- while the committee had no power to -- to rule on this or we have no power tonight to rule on it, the applicant is interested that

perhaps the 2020 Comprehensive Plan be amended, and there will be, I think, a forthcoming recommendation that the Comprehensive Plan be amended to allow in a CN zone an on-site cleaners and a video store, both of which just, as we discussed it in committee, feel very comfortable as part of a neighborhood center. So we were -- we hopefully -- hopefully that will come from the Planning Commission ultimately to us as a recommendation.

But there will be a new site plan, and that site plan will be submitted to this Council within 180 days for approval. So that's what we bring, Mr. President and colleagues. We bring this -- this ordinance as adopted in committee, and that ordinance would change the zoning from an R-4 zone to a CN zone.

PRESIDENT KING: Thank you, Councilman Owen. So you'll be moving this?

COUNCILMAN OWEN: And I move that amendment.

PRESIDENT KING: And this is an amendment by substitution?

COUNCILMAN OWEN: Amendment by substitution.

COUNCILMAN ENGEL: Second.

PRESIDENT KING: Thank you. I have a motion and a second. Is there any further discussion on this amendment by substitution? We will also, after this vote, have a vote on the final ordinance. Hearing none, this is an amendment, calling for a voice vote.

ALL PRESENT: AYE

All opposed. The ayes have it. **The amendment passes.** Is there any further discussion? Councilman Engel, do you wish to be recognized on this matter?

COUNCILMAN ENGEL: Thank you, Mr. President. I'll be very brief. I would ask my colleagues to support this particular ordinance, so I am speaking in support, and I appreciate the careful review by the chairman of the planning and Zoning Committee, along with the members of that committee in this very important new area of Hurstbourne Parkway, as we're going to see a number of new commercial developments and just developments in general along the Parkway in many years to come, so I appreciate all their support -- or all their work on this case. Thank you.

PRESIDENT KING: Thank you. Is there any further discussion? Councilman Heiner.

COUNCILMAN HEINER: Thank you. The vote was not unanimous on the committee.

COUNCILMAN OWEN: It was not.

COUNCILMAN HEINER: And I did vote no, and I wanted to explain I'll be voting no again tonight. I do feel like the applicant, working with the County Attorney and the committee, took maybe three steps towards the residents on a ten-step stairwell, which although it's a compromise, in my opinion, not far enough. We had a small area plan, dated small area plan, but just now starting to take effect because Hurstbourne Parkway was just opened here in the last year or so. That plan called for residential on Bardstown Road and then residential again two miles away from Bardstown Road. This site is within a half mile of Bardstown Road that has extensive retail vacancies and is a major retail node. Retailers of really any size have availability within walking distance of this site.

One of the problems with the site, it's within walking distance except there are no sidewalks to Bardstown Road, and in fact, there are no sidewalks to this site, although they are connected to one immediately adjacent street. The neighbors raised this point at the Planning Commission. I think six or seven neighbors were there opposed to the project. They had a petition for maybe most of the property owners that adjoin the site saying this was residential, supposed to be residential, and I feel like on balance the small area plan should be given a chance to work because it seemed thoughtful, and Cornerstone 2020, in my reading of it, calls for retail to be in nodes and not just because there's traffic count that it can spread out on major highways.

So final, it is an improvement, the buildings will look better, they'll be smaller, broken into smaller buildings. There was a traffic improvement, one of the left turns on Hurstbourne Parkway, which seemed wild to the committee, was eliminated, so it's no doubt a better plan, but on balance, I will be voting no on this. Thank you.

PRESIDENT KING: Thank you. Is there any further discussion?

COUNCILWOMAN WOOLRIDGE: Mr. President.

PRESIDENT KING: Councilwoman Woolridge.

COUNCILWOMAN WOOLRIDGE: Thank you, Mr. President. I too will be voting against this ordinance. As I was reading through the testimony of the opponents, you know, this is residential. I would hate to see what some of them are saying in their testimony to bring in liquor stores, to bring in fast food. The dry cleaner's only going to, you know, make our air pollution worse and it's going to create noise, and I certainly share those sentiments with the residents that live in that area, so therefore, I will be voting no on this ordinance. Thank you.

PRESIDENT KING: Thank you. Councilman Owen.

COUNCILMAN OWEN: I would comment in response to Mr. Heiner's analysis and critique that -- and a very unbinding -- I made a very unbinding comment as chair of the committee that as the site plan was redrawn, that I strongly suggested that the apartment above the cleaners be reserved for the proprietor of the cleaners, that the vision for that site is, indeed, one that ideally would include a residential mix into a multiuse development. But that was not part of the agreement that was hammered out with the County Attorney and the applicants and other interested parties.

PRESIDENT KING: Thank you. Is there any further discussion? Hearing none -- pardon me, I'm sorry, I didn't see you. Councilman Engel.

COUNCILMAN ENGEL: I've got my button pushed.

PRESIDENT KING: I need to look up there. People have been using their hands tonight.

COUNCILMAN ENGEL: That's all right. I forgive you this time.

PRESIDENT KING: Thank you.

COUNCILMAN ENGEL: I appreciate my colleague from District 3 looking over the city on liquor stores, but I believe if -- and I don't have it in front of me, and I wish I did -- and if it's in here, would somebody be so kind as to share with me -- but my understanding is with this change into a neighborhood commercial, it does not allow -- if I'm -- I may be wrong, but it does not allow liquor stores, and I do not believe -- I don't think this -- this plan also calls for fast-food restaurants, but again, I'd have to check that, Mr. President. But my understanding is that it doesn't. Thank you.

PRESIDENT KING: Thank you. Any further discussion? No one's clicked in, don't see any hands. Hearing none, the amended ordinance is before us and requires a roll call vote. Madam Clerk, please open the voting.

Voting result: Item 40

JUDY GREEN: YES

BARBARA SHANKLIN: YES

MARY WOOLRIDGE: NO

DAVID TANDY: YES

CHERI HAMILTON: YES

GEORGE UNSELD: YES

KEN FLEMING: YES

TOM OWEN: YES

TINA WARD-PUGH: YES

PRESIDENT JIM KING: YES

KEVIN KRAMER: YES
RICK BLACKWELL: YES
VICKI WELCH: EXCUSED ABSENCE
BOB HENDERSON: YES
MARIANNE BUTLER: YES
KELLY DOWNARD: YES
GLEN STUCKEL: YES
JULIE RAQUE ADAMS: YES
HAL HEINER: NO
STUART BENSON: YES
DAN JOHNSON: YES
ROBIN ENGEL: YES
JAMES PEDEN: YES
MADONNA FLOOD: YES
DOUG HAWKINS: YES
ELLEN CALL: YES

CLERK: There are 24 yes votes and 2 voting no, Council members Woolridge and Heiner and one not voting, Councilwoman Welch,

PRESIDENT KING: **The ordinance as amended by substitution passes.**

Madam Clerk, would you cause the record to reflect that Councilwoman Call is present, please.

CLERK: So noted.

PRESIDENT KING: Madam Clerk, a reading of Item 41.

41. O-106-06-08 AN ORDINANCE CHANGING THE ZONING FROM OTF, OFFICE TOURIST FACILITY TO C-1, COMMERCIAL ON PROPERTY LOCATED AT 4805 BROWNSBORO ROAD, CONTAINING A TOTAL OF 5.07 ACRES AND BEING IN LOUISVILLE METRO (CASE NO. 8608).

Status: On Council Agenda - Old Business

Committee: Planning/Zoning, Land Design & Development

Primary Sponsor: Tom Owen

COUNCILWOMAN WOOLRIDGE: Motion to approve.

COUNCILMAN ENGEL: Second.

PRESIDENT KING: This item has been properly moved and seconded. Is there any discussion?

Councilman Owen.

COUNCILMAN OWEN: Yes. This was heard in committee at our last regular meeting of the Planning and Zoning Committee. This is a proposal to develop -- to redevelop the motel site that for many years has been there on the northwest corner of the Watterson Expressway and Brownsboro Road, immediately adjacent to Rudy Lane. The proposal was to create a redeveloped center, which would be centered around a Fresh Market, other retail, and a bank. This was -- our committee voted unanimously in support of this proposal, which takes it from an OTF, an Office Tourist Facility, to a C-1 commercial zone.

There were two entrances off of Rudy Lane, no entrances off of Brownsboro Road, of course. There was a sidewalk waiver, which concerned me, but after reading the record more carefully, the sidewalk waiver anticipates some fundamental redesign of the intersection at Brownsboro and the Watterson. There will be some traffic signal modifications there at Rudy Lane and Brownsboro Road, and so the proposal does come with the unanimous recommendation of the Committee.

This was in Mr. Downard's -- this is in Mr. Downard's district, and he may well want to comment as well.

PRESIDENT KING: Councilman Downard, do you wish to comment?

COUNCILMAN DOWNARD: Very briefly. Thank you, Mr. President. I had a lengthy discourse on the committee, but I won't bore everyone with that. I can just say I went through the record in great detail. There were some concerns about the traffic activity, as there always is in zoning changes. I went to the extent of getting a copy of the traffic study and reading it, and they're complicated if you've ever read one. But I felt comfortable, and of course, living there -- this is the street I take on the way to work every morning, so having the double entrance pleased me, and I think I came -- I'm comfortable with it and the idea of having a Fresh Market -- I have to go five stoplights to get to any kind of food store right now, so the Fresh Market would be wonderful, and I would ask my colleagues to vote in favor of this. Thank you.

PRESIDENT KING: Thank you. Is there any further discussion? Hearing none, this is an ordinance, calling for a roll call vote. Madam Clerk, please open the voting

Voting result: Item 41

JUDY GREEN: YES

BARBARA SHANKLIN: YES

MARY WOOLRIDGE: YES

DAVID TANDY: YES

CHERI HAMILTON: YES

GEORGE UNSELD: YES

KEN FLEMING: YES

TOM OWEN: YES

TINA WARD-PUGH: YES

PRESIDENT JIM KING: YES

KEVIN KRAMER: YES

RICK BLACKWELL: YES

VICKI WELCH: EXCUSED ABSENCE

BOB HENDERSON: YES

MARIANNE BUTLER: YES

KELLY DOWNARD: YES

GLEN STUCKEL: YES

JULIE RAQUE ADAMS: YES

HAL HEINER: YES

STUART BENSON: YES

DAN JOHNSON: YES

ROBIN ENGEL: YES

JAMES PEDEN: YES

MADONNA FLOOD: YES

DOUG HAWKINS: YES

ELLEN CALL: YES

CLERK: There are 25 YES votes and one not voting, Councilwoman Welch.

PRESIDENT KING: **The ordinance passes.**

Madam Clerk, a reading of Item 42.

42. O-107-06-08 AN ORDINANCE CHANGING THE ZONING FROM R-5 SINGLE FAMILY RESIDENTIAL, TO C-1, COMMERCIAL ON PROPERTY LOCATED AT 4506 S. 3RD STREET, CONTAINING A TOTAL OF 0.23 ACRES AND BEING IN LOUISVILLE METRO (CASE NO. 9673).

Status: On Council Agenda - Old Business

Committee: Planning/Zoning, Land Design & Development

Primary Sponsor: Tom Owen

COUNCILWOMAN WOOLRIDGE: So moved.

COUNCILWOMAN WARD-PUGH: Second.

PRESIDENT KING: This item has been properly moved and seconded. Is there any discussion?

Councilman Owen?

COUNCILMAN OWEN: Yes. Again, this was heard in committee at our last regular meeting. It came out of committee with all four members of the Council who were present at that time voting in support of it. Basically, what this involves is taking the Thornton's, which is there on South 3rd Street at Southern Heights, and redesigning the building and redesigning the service canopies in front of the -- in front of the building. It involves rezoning of a very, very small tract of land from R-5 single-family to C-1.

The record -- and I just cannot help but comment on it -- the record reveals the most extensive discussions, negotiations, and accommodations for the Beechmont Neighborhood Association. Indeed, the result of this redevelopment provides -- essentially would be a gateway, landscaping, monument sign, other things that will essentially provide a gateway to the Beechmont neighborhood. This is in Mr. Johnson's district, and he may well want to comment on it, but it was a proposal that was unanimously supported by the committee.

PRESIDENT KING: Thank you. Councilman Johnson.

COUNCILMAN JOHNSON: I do support it. It's been something that's been talked about for years in our neighborhood, and I know there's certainly one homeowner that's really glad to see it because he'll be moving, and I think that there's a lot of people interested in seeing this done right. I think when it was first put in many years ago, when I was an alderman, they agreed to some things, and they mostly kept their agreements, and they've been good to work with there on that corner. And we've had little difficulty with them, and I think if we let their business be increased it won't hurt us at all.

PRESIDENT KING: Thank you. Is there any further discussion? Hearing none, this is an ordinance, requiring a roll call vote. Madam Clerk, please open the voting.

Voting result: Item 42

JUDY GREEN: YES

BARBARA SHANKLIN: YES

MARY WOOLRIDGE: YES

DAVID TANDY: YES

CHERI HAMILTON: YES

GEORGE UNSELD: YES

KEN FLEMING: YES

TOM OWEN: YES

TINA WARD-PUGH: YES

PRESIDENT JIM KING: YES

KEVIN KRAMER: YES

RICK BLACKWELL: YES

VICKI WELCH: EXCUSED ABSENCE

BOB HENDERSON: YES

MARIANNE BUTLER: YES

KELLY DOWNARD: YES

GLEN STUCKEL: YES

JULIE RAQUE ADAMS: YES

HAL HEINER: YES

STUART BENSON: YES

DAN JOHNSON: YES

ROBIN ENGEL: YES

JAMES PEDEN: YES

MADONNA FLOOD: YES

DOUG HAWKINS: YES

ELLEN CALL: YES

CLERK: There are 25 YES votes and one not voting, Councilwoman Welch.

PRESIDENT KING: **The ordinance passes.**

Madam Clerk, a reading of Item 43.

43. O-113-06-08 AN ORDINANCE AMENDING SECTION 110 OF THE LOUISVILLE/JEFFERSON COUNTY METRO CODE OF ORDINANCES (LMCO) RELATING TO OCCUPATIONAL LICENSE TAX. (AS AMENDED)

Status: On Council Agenda - Old Business

Committee: Budget

Primary Sponsor:

Kelly Downard

Cheri Bryant Hamilton

COUNCILWOMAN WOOLRIDGE: So moved.

COUNCILWOMAN HAMILTON: Second.

PRESIDENT KING: This item has been properly moved and seconded. Is there any discussion?

Councilwoman Hamilton?

COUNCILWOMAN HAMILTON: Thank you, Mr. President. This item was read in the budget committee yesterday and it passed with one no vote for the agenda this evening. The change affects all employees throughout the county that have cafeteria plans or benefits that are paid with pretax dollars. We have to be in compliance with state law by July 1, so we are passing this ordinance tonight, and the amendment that was made was to exempt ministers and domestic servants are no longer exempt. This ordinance basically is to contain language that will put us in standardization, conformity with KRS 67.750, subsection 2. And I'd like for the County Attorney or Ms. Driskell -- I would like to move that amendment, if I could.

COUNCILWOMAN WARD-PUGH: Second.

PRESIDENT KING: Okay. I have the -- the amendment's been properly moved and seconded.

Mr. O'Brien, would you like to address this?

ATTORNEY O'BRIEN: Yes, Mr. President. William O'Brien, Jefferson County Attorney's office. I wish I could say it was a privilege to come before you today and tell you three months and nine days after you had your first meeting, the Commonwealth of Kentucky, through the Kentucky Legislature, as signed by the Governor subsequently, mandated that on the occupational taxes that there will be certain methods of collection. That process has continued since then, has been rolled until finally the state has said, Louisville, you're going to do it our way. Okay? Now, that's where we are.

So KRS 67.750 is specifically required to be enacted, and I wish there was some way that I could tell you could get around it, but there's not. The only way that this ordinance and statute can be affected is through the state. So it's through the state legislature. If you receive comments, you need to refer them back to the state because you-all have no choice. I appeared before you once before to tell you that you had no choice, and that was in reference to the library tax. There the statute specifically stated that once it's before you and it meets the criteria, you had to refer it on. Here it's clear that the state -- and I will read for you -- the provisions of KRS 67.750 to 67.790 shall -- and I emphasize the word shall -- apply on or after July 15, 2008. You have no choice. You need to vote for this ordinance. It needs to be passed because the state has mandated it. And the reason the state has mandated this was to ensure that all jurisdictions within the Commonwealth are using the same policy, the same methods of collection, the same classes of collection so that if I was to guess -- and I hate to guess what the Kentucky legislature has done -- but that it would be equal and fair across the state. So again, I implore you -- and I realize that several of you are very concerned about voting for or against this ordinance, but in reality, you have

no choice. This ordinance must be passed to bring us in compliance with the state statute, to clarify for the citizens out there of who is being taxed and at what method. Thank you.

PRESIDENT KING: Thank you, Mr. O'Brien. At this time, we have the proposed amendment before us that is the amendment that was moved by Councilwoman Hamilton.

COUNCILWOMAN HAMILTON: The committee is asking for a yes vote.

PRESIDENT KING: And you're asking for a yes vote on the amendment. And Councilwoman Hamilton, this amendment is with respect to those two or three things that you mentioned. This is not voting on the entire ordinance, nor is this amendment -- if you -- a yes vote for this amendment would not be a vote for the entire change that we're talking about?

COUNCILWOMAN HAMILTON: And yesterday in committee, the amendment passed unanimously.

PRESIDENT KING: Okay. Thank you. Is there any further discussion on the amendment? Hearing none, this is an amendment, calling for a voice vote. All those in favor, say aye.

ALL PRESENT: AYE

Opposed? the ayes have it. The amendment passes.

Is there any further discussion on the -- on the ordinance, the amended ordinance?

COUNCILMAN HEINER: Mr. President. Sorry. District 19.

PRESIDENT KING: I am looking for you. Oh, Councilman Heiner.

COUNCILMAN HEINER: Yes, I wanted to explain my vote on this ordinance, and I cannot vote for this ordinance. I find myself -- and I think many of us on the Council -- in a very difficult position, where the state is essentially telling us to kick people where it hurts the most, and that is cities, we want you to tax medical insurance, we want you to tax dependent care benefits, all of the items that the state and federal government have decided shouldn't be taxed, that they want to encourage. But cities, you need to tax these items.

It's absolutely the wrong direction. We shouldn't go in this direction. But understanding that the city derives all of its legal authority from the state, I understand also the position we're in tonight, but I have the inability to vote no, so I will be voting present.

Secondly, it's been represented to us that the changes here are -- my understanding -- are to comply with the state regulations and that there are not other changes in this document other than what has been mandated by the state and maybe clarification of existing procedure. And if that's different, I would like to hear from Mr. O'Brien, if there are sections that are sort of venturing off into new areas, I would appreciate hearing that before the vote as well.

PRESIDENT KING: Thank you. Mr. O'Brien, I see you rising. Would you care to comment?

ATTORNEY O'BRIEN: William O'Brien, Jefferson County Attorney's office. I believe the question is there's something new that is not required by the KRS, and I would have to answer that there were options that were taken that -- the domestic servant option. Historically, because of the cost of administration and difficulty of collection, domestic servants of private residences were excluded. The exclusion was not accepted by the Jefferson County public school, which is a separate taxing district and collected by the Revenue Commission, so that was brought into conformity.

There was an elimination on the sale of used goods conducted -- basically, garage sales, that there wasn't a need for collection. That was in regulations, I believe, and not in the ordinance, but that -- so the garage sale exemption, for what it's worth, was put into the ordinance.

The majority -- and I'm going through my notes here -- it appears to be retained. I believe that the performance of personal services less than three days within county and receipts of less than 300 were in the regulations, and now they would be in the ordinance, so that would be new as to the ordinance and other exemption.

Exemptions -- these were required, I believe, by different sections, but the multichannel video programming services tax, that was an exemption that was required by state law under KRS 136.602, and I don't believe that was in the ordinance. The qualified investment funds were, again -- I think those were in regulations, but they were added in -- into the ordinance. Precinct workers were required by state

law -- were exempted from the tax, and I think that's regulation. And then a new one -- and I believe this was required by 67 -- was the Kentucky National Guard for active duty. They are exempted. And that was put into ordinance. So there were several things that were not in our old ordinance at that we brought forth pursuant to statute. And I may have missed one, and I apologize if I have. I think that's the majority of them.

PRESIDENT KING: Thank you, Mr. O'Brien. Is there any further discussion? Councilman Fleming.

COUNCILMAN FLEMING: Thank you, Mr. President. I was a lone vote no on this particular ordinance for a couple of reasons. One, I just want to make sure that this doesn't go on consent, kind of, that this gets before the public, people are aware of it. For those folks who might not be aware of it -- and I know there are some notification that has been made. The feedback I have been receiving, people are not aware of this, so that's one reason I wanted to have this put on the old business.

The other reason is my understanding in looking at this basically comes down to in order to help an administrative process, this tax is being imposed on individuals at their demise. And I understand it's a state mandate and it's going to happen no matter what, but I just think it's a very interesting and somewhat disappointing that in order to help save some administrative issues, this tax is being imposed on individuals in our community. Thanks.

PRESIDENT KING: Thank you. Is there any further discussion? Councilman Blackwell.

COUNCILMAN BLACKWELL: Yes, I just wanted to -- I think all of us, if we had our choice and had our druthers, would love to continue to have an exemption for these plans. I mean, I think that's clear. If that was the choice that was before us and you had to vote on it, I think we would perhaps have a 26-0 vote not to include this tax. But that's really not what is in front of us. And I just want to be clear to people who are watching that to say that the -- the state law would take precedence, obviously, it does, but if you move in that direction, the state law, as it's written, if I understand it correctly -- and Mr. O'Brien can correct me if I'm wrong -- the state law, as it's written, would take precedence, and then that eliminates any local definitions that we have in there. So a no tonight is a no -- is to include -- is to actually add a tax to people who aren't being taxed right now. If all 26 of us were to vote no tonight on this tax, then state law would come into effect, and we would -- we would then be adding taxes to people who are exempt now, to the people who are under \$3,000, to the people who are around Churchill Downs and who park their cars -- park cars just as Derby time. You know, a no vote tonight will tax those people. A no vote tonight will tax ministers. A no vote tonight will put -- will, actually, be a yes vote for taxes, for a tax increase, the way I understand it. A local tax increase.

PRESIDENT KING: Thank you, Councilman Blackwell. Any other discussion? Councilman Fleming.

COUNCILMAN FLEMING: Thank you. I just wanted to say I understand where the Councilman is coming from, but I supported the exemptions that were included in there. I'm just making the point that -- that Frankfort is once again looking at Jefferson County as a stepchild, and we need to start making more movement and trying to work with Frankfort to help out Jefferson County, the citizens and such, and I just think that once again, this tax is being imposed at the demise of individuals.

PRESIDENT KING: Councilwoman Woolridge.

COUNCILWOMAN WOOLRIDGE: Thank you, Mr. President. Just for my clarification, I would like to find out if other municipalities, other counties are doing what we're going to do here tonight. I think I understand that they are doing that from the committee meeting on yesterday, but if you would allow the County Attorney again to say that for the listening public, to let them know we're passing an ordinance that all other counties, 119 counties, I believe, already has enacted. Thank you.

PRESIDENT KING: Mr. O'Brien, would you like to respond to that?

ATTORNEY O'BRIEN: William O'Brien, Jefferson County attorney's office. The taxing districts, I believe we are going to be officially the last one to adopt. There are, of course, more taxing districts than there are counties, but the taxing districts that have occupational taxes I believe are approximately 80 total, and we are -- like I said, as far as I know, we will be officially the last one to pass it.

COUNCILWOMAN WOOLRIDGE: Thank you.

PRESIDENT KING: Councilwoman Flood.

COUNCILWOMAN FLOOD: Mr. O'Brien, I hate to call you back to the stand, but just one quick question.

PRESIDENT KING: Mr. O'Brien, would you please return to the stand.

ATTORNEY O'BRIEN: Lawyers never go under oath.

COUNCILWOMAN FLOOD: I'm surprised you mentioned the word "oath" because I want to ask you about that oath. When public officials are sworn in and we're sworn to protect -- follow the constitution and the state laws and local laws; is that correct?

ATTORNEY O'BRIEN: Yes.

COUNCILWOMAN FLOOD: Okay. Thank you.

PRESIDENT KING: Thank you, Councilwoman Flood and Mr. O'Brien. Is there any further discussion? Mr. Blackwell -- Councilman Blackwell. Sorry.

COUNCILMAN BLACKWELL: That's all right. I would also remind Committee members that if we were all to vote no, it will possibly -- the next couple things that we're going to be talking about in terms of budget will become a bit problematic as well because we would be changing the structure for the taxation, the assumptions that we use for taxation when it comes to the budget. So we -- if all 26 of us decide to vote no, we might need a recess.

PRESIDENT KING: Thank you, Councilman Blackwell. Is there any further discussion? Councilman Johnson.

COUNCILMAN JOHNSON: Call the question.

PRESIDENT KING: I don't have a second on that. I don't want to limit debate at this point, unless I do -- unless there is a second on that.

COUNCILWOMAN HAMILTON: second.

PRESIDENT KING: Is there anyone else that would like to speak to this? Hearing none, this is an amended ordinance before us. It calls for a roll call vote. Madam Clerk, please open the voting.

Voting result: Item 43

JUDY GREEN: YES

BARBARA SHANKLIN: YES

MARY WOOLRIDGE: YES

DAVID TANDY: YES

CHERI HAMILTON: YES

GEORGE UNSELD: YES

KEN FLEMING: NO

TOM OWEN: YES

TINA WARD-PUGH: YES

PRESIDENT JIM KING: YES

KEVIN KRAMER: YES

RICK BLACKWELL: YES

VICKI WELCH: EXCUSED ABSENCE

BOB HENDERSON: PRESENT

MARIANNE BUTLER: YES

KELLY DOWNARD: YES

GLEN STUCKEL: YES

JULIE RAQUE ADAMS: YES

HAL HEINER: PRESENT
STUART BENSON: PRESENT
DAN JOHNSON: YES
ROBIN ENGEL: PRESENT
JAMES PEDEN: PRESENT
MADONNA FLOOD: YES
DOUG HAWKINS: NO
ELLEN CALL: YES

CLERK: There are 18 yes votes, two no votes from Council Members Fleming and Hawkins, and five voting present, Council Members Henderson, Heiner, Benson, Engel, and Peden. And one not voting.

PRESIDENT KING: **The ordinance as amended passes.**

Madam Clerk, a reading of item 44.

44. O-111-06-08 AN ORDINANCE RELATING TO THE 2008-09 CAPITAL BUDGET FOR THE LOUISVILLE/JEFFERSON COUNTY METRO GOVERNMENT INCLUDING APPROPRIATIONS AND AUTHORIZATIONS OF FUNDS FOR GENERAL CONSTRUCTION, MAINTENANCE, REPAIR AND IMPROVEMENT OF THE FACILITIES AND ASSETS OF THE GOVERNMENT OF LOUISVILLE/JEFFERSON COUNTY AND OTHER LOUISVILLE METRO-SUPPORTED ACTIVITIES FOR 2008-09. (AS AMENDED)

Status: On Council Agenda - Old Business
Committee: Budget
Primary Sponsor: Cheri Bryant Hamilton

COUNCILWOMAN WOOLRIDGE: Motion to approve.

COUNCILMAN ENGEL: Second.

PRESIDENT KING: This item has been properly moved and seconded. Is there any discussion?
Councilwoman Hamilton?

COUNCILWOMAN HAMILTON: Thank you, Mr. President. If I could, I'd like a moment of personal privilege before I discuss the ordinance.

PRESIDENT KING: Certainly.

COUNCILWOMAN HAMILTON: Thank you. I would like to offer my gratitude and appreciation to all the members of the Budget Committee who gave up their month of June and attended the hearings and asked thoughtful questions, especially to my vice chair, Councilman Downard and the members of the work group and President King for your leadership and what I believe has been a true bipartisan effort to amend the budget ordinances and truly move our community forward. I'd also like to thank the community for attending our two public hearings and letting us know in various ways what you consider community priorities.

I'd also like to offer my gratitude and appreciation to Beth Stenberg for her financial assistance and expertise and Dr. John Nelsen and to Jane Driskell and her financial team, the Mayor and the administration for your cooperation and responses to our requests for information.

Now, although the projected revenue growth is only 2.2%, due to the unexpected projected \$5 million that we expect to receive from the state, due to the pension reform, we were able to respond to the Mayor's request for additional funding for roads and street improvements, playground and park improvements. And we were also able to honor his request to provide funding for many nonprofit external agencies that provide human and cultural services to our community residents.

But I'd like to caution those agencies that just because we were able to pull a rabbit out of the hat this fiscal year, I hope it doesn't create a false sense of security as to the level of funding that they might be able to expect in future budgets. But you never know what next year's going to bring.

These proposed budgets are amended in committee, and they maintain a primary focus on public safety, continuing progress on capital projects, other basic services and funding for groups that serve the basic human needs of our residents. While I realize that we've yet to read the title for the operating budget, which is the next item on our agenda, I've provided each Council member with a copy of the Committee's amended operating and capital budget ordinances. It's my recommendation, Mr. President, that I not read into the record all of the proposed changes but simply make a motion to accept the amended committee ordinance. If that request is granted, I will then highlight the major changes for you and the general public, and after tonight's meeting, I'd like to announce that the approved operating and capital budget ordinances will be on the Metro website.

PRESIDENT KING: All right. Without objection, then, you will be allowed to move them in -- as you've recommended. May I have a second on that?

COUNCILMAN BENSON: Second.

PRESIDENT KING: All right. And let me explain procedurally that I would like to deal with your amendment that came from the committee, and then if there are any floor amendments, I would ask that those be dealt with after we've discussed and approved this budget -- excuse me -- this committee amendment. And I should have noted for the record -- because this is a huge undertaking -- that you are chairwoman of the Budget Committee, and we certainly appreciate your leadership.

Is there any discussion on the amendment that is before us at this time? Hearing none, this is an amendment, calling for a voice vote.

COUNCILWOMAN HAMILTON: President King, I haven't gone over them yet. I'd like to at least give you a highlight.

PRESIDENT KING: You want to give the highlights first? That's fine, then. That's fine. Go ahead. Apologize for moving too quickly.

COUNCILWOMAN HAMILTON: The major changes include appropriations of approximately \$8 million in the following areas. First, we have to assume that we will get that pension contribution rate will decrease and we will have approximately \$5 million in additional cost savings during fiscal year '09. We've proposed spending \$3 million of cost savings of one-time projects but do not recommend appropriating the additional \$2 million. And until the \$5 million cost savings is confirmed by the state legislative approval, which we hope will come tomorrow, none of these additional one-time projects may be spent. We're also proposing to bond an approximately \$3.1 million to fund the Newburg library, Slugger Field required maintenance, aquatic projects and continuation of Waterfront Development Corporation projects. We're also proposing to delay all bond issuance until later in the fiscal year, which will result in an interest savings of \$1.5 million.

The Budget Committee is proposing to appropriate \$8 million; also in the capital budget, we propose \$1.25 million will increase funding for the Newburg library. We were able to increase the size of the proposed branch by 40%, so it will go from 5,000 square feet to 8,000 square feet, while also protecting the \$2.5 million in funding set aside earlier this year for the planning and design of new regional and neighborhood branch libraries.

This amendment also appropriates approximately \$1.5 million in increased funding for continued improvements to various Metro Parks, including \$600,000 for aquatic projects. We have appropriated an additional \$1 million to continue road improvements, which includes, among other things, \$250,000 in intersection modification projects to decrease traffic congestion and, at the same time, reduce air pollution. In addition, another \$1 million was appropriated for various streetscapes throughout Metro, and I think most of the Council members will find there's at least one major capital project in each one of the districts.

As far as the operating budget, the Mayor's recommended budget funded nonprofit organizations at a 30% reduction from the previous year. Our committee is appropriating a one-time adjustment to over 50 nonprofit organization grant awards for a total of \$1.3 million. We were also able to fund the business associations and an EMS deployment study. We heard the pleas of residents for better maintenance of vacant lots and for mowing in our public parks, and this amendment also addresses those concerns as well as suburban street sweeping.

You can identify the changes in the budget ordinance you have before you by the underlines or strike-throughs throughout the document. These changes represent many hours of hard work and will

hopefully garner your support. Mr. President, with your approval of waiving the reading and amendment, I make a motion to accept the Budget Committee's amended capital budget ordinance.

PRESIDENT KING: Thank you, Madam Chair.

COUNCILMAN DOWNARD: Second.

PRESIDENT KING: We have a second. Actually, I think we've already done that once, but it's before us twice now. And it sounded as though you may have referred to a few of the items in the operating budget in your summary, which is fine. And thank you very much for that summary. I think it was excellent. Is there any further discussion on the -- the committee amendment? Hearing none, this is an amendment, calling for a voice vote. All those in favor, say aye.

ALL PRESENT: AYE

All opposed? The ayes have it. **The amendment passes.** Is there any further discussion? Councilman Tandy.

COUNCILMAN TANDY: Thank you, Mr. President. I would like to offer a floor amendment to the capital budget. On page 11, on part 2, entitled "general provisions," in particular, on paragraph "H," I would move that a period be added after the word "forward," and then the phrase "with the exception of any land purchases related to the City Center development" be stricken.

COUNCILWOMAN HAMILTON: Second.

PRESIDENT KING: The item has been properly moved and seconded. Is there any further discussion? Councilman Downard.

COUNCILMAN DOWNARD: I am trying to find my little speaker here to talk about it. I am going to, I guess, make a plea that sounds kind of common to my colleagues. But let me just take this for a second. This was an amendment that I made. If you look at the wording -- and for the public listening, the wording in this section says that we may utilize funds in the 2008 bond issue approved a year ago and utilize those funds to purchase or to do anything as long as those funds are then replenished at some point in time in the future. This is done because we have backed up the timing on the issuance of the bonds for Museum Plaza and also the bonds for this year by six months, in this case for this year, and that would mean some of the projects indicated for purchase or for increasing by the 2009 bond ordinance would not be able to be done for six months. Those include some increases for MetroCall -- excuse me, Metrosafe, and a couple of other projects that we felt like we did not want to constrict the normal movement of that activity.

I propose this amendment to say with the exception of land purchases related to the city center development, because we find ourselves in a position that we have been in before, except this time we're on the front end. And that is that we have things where we go out and commit taxpayer dollars in multimillion-dollar amounts, in this case, \$17.2 million, in a bond issue where we've not seen what the development is. Unless anybody's better off than I am, I've seen the description of this in the newspaper I've heard it talked about.

When the head of the Economic Development Department came before our Budget Committee, we asked him, at what point in time will you be able to talk about what this development is and what the development agreement is, and he said -- and I'll paraphrase -- I hate to quote -- I learned my lesson on Museum Plaza, so we're going to come back and give you a full description of this project, to paraphrase what Mr. Traugher told us. The next thing I see is that in this budget, we say, well, before we come back, we're just going to buy the land. And that causes me great problems. If there is no reason to come to this Council to talk about the purchase of land for the city, which I read is to be given away, then why are we doing this? Why do we come here? I have a suggestion. If that's the case, then everybody sign your name on this and we'll just give this rubber stamp to the mayor and tell him anytime you want to buy 17 or 20 or 47 or 100 million dollars' worth of property, just do it. Why waste the time coming over and doing this with us? It is, I think, problematic.

Let me give you a little bit of history, and that is that we've had major purchases for this downtown area in the last two years, the arena, as we all know, Museum Plaza, we all know that we were told we can't change the deal now, it's already done. When that was presented to us a year ago -- or excuse me -- last December, we were told there would be changes in the development agreement. They didn't come about. When we came back and said -- and I suggested, can we change it now, we were told we

can't do it because we've already done it. And some of you felt that that was a reason to leave it alone, and I respect that. I think I said it that night.

Now, we end up now being told about the City Center development. I want to take you back in history. The budget that we passed last June, 2008 capital budget, indicated a \$1-million purchase for land for City Center project, and it also said we will purchase \$2.5 million in the future next year for City Center. Lo and behold, about a month ago, I now find out it's about \$17.2 million. I guess that's when you found out. I still wasn't sure we were buying it all. Sometimes developers pay for some of their own land. Then the budget came and said we are. I said, you know, this sounds like a great development, but I assume we're going to get told something about it before we spend the money. Now we come before us here and we have a bond issue for which is included the purchase of that land for \$17.2 million. I'm saying please, let's don't spend it until you tell us what's going to be happening. We have -- if we're not the stewards of the people's money for major projects in terms of setting priorities about what we will do, then there's no reason for us to be here much except to pass laws that the state tells us we have to pass.

So I am going to say that if we have the right to do the right thing, then I'm asking that we leave this wording in here that was passed in committee last night and allow us to do our duty as Council members and as legislative elected leaders. If there is no reason for the law that says we appropriate dollars, then let's just quit coming to these meetings. That is the law. And I'm -- I think we have an obligation to do that.

If somebody thinks this means I'm against the city center development, I don't think I am. I think it's wonderful. You have to know my history. I was chairman of the downtown development corporation for three years. I am a big downtown proponent. But I am a proponent of the legislative branch doing its responsibilities, and that's why I'm asking that this be left in. I ask my colleagues, think about it. Let's do this thoughtfully. This doesn't stop anything. I want to answer one other thing. You read in the paper today that this will stop the whole development. Okay. Let's review what that means. Now, The Cordish Company has been here for about nine or ten years. They are going to continue here because they have spent millions of dollars on this development. They are not included in this rush to action. What is included is the purchase of the land. I want to tell you, there are about five people who have owned this land. They've owned it for about 25, 30 years. We had people in this chamber who swore at one point in time there was never going to be a sale or a development there. And to think that they can't ask for an extension of a couple or three months of a closing on a land purchase is inconceivable to me. I spoke with a member of the press last night who will go unmentioned that they extended the purchase of their home four times. This is not doing damage. This is not saying that I think I was -- I'm accused of trying to take over the development process. I'm accused of trying to do my responsibility as a legislator, and if we're not going to do it, then I don't want to be asked to do it and I don't want to be held accountable to do it, and we ought to tell the public it doesn't come here anymore, just appropriate land purchases anytime you want and just go do it. Thank you, Mr. President.

PRESIDENT KING: Councilman Fleming.

COUNCILMAN FLEMING: Thank you, Mr. President. I just wanted to expand on I think what Councilman Downard was mentioning, and that basically comes down to communication. It seems like with the arena, the museum, that this Council really wanted brought in at a timely manner, was really brought in late. It could be the president and the two caucus chairs in at the beginning to work with the Mayor and the administration, to make this thing a more -- a much smoother process and such, but it seems like it's a déjà vu and that we keep on going and not having a strong communication or a strong relationship with this body with the administrative body. So I just want to make a point that I wish the communication process and the managerial issues were a whole lot better and communication with this Council. We are a lot of capable people on this Council that really know and could probably help out this deal expeditiously. In any case, I just wanted to make that particular point.

PRESIDENT KING: Thank you. Councilwoman Hamilton.

COUNCILWOMAN HAMILTON: Thank you, Mr. President. I don't know where everybody was, but last summer this item came before the Labor and Economic Development Committee, which I sat on at that time, and we had a presentation from the Cordish people. They brought design -- I mean, they went through a whole thing. So it's not like we didn't know about the project. It's not like we didn't know about

the land acquisition. And you know, I believe we have done our duty and our due diligence, but this is not the first time that we've heard about this project. Thank you, Mr. President.

PRESIDENT KING: Thank you. Councilman Stuckel.

COUNCILMAN STUCKEL: Yes. As some of you probably know, I'm a building contractor, and I've tried to understand this in the sense of how I conduct my business. I know that the administration has the -- the job of putting the deals together, and then we, as the Council, have the job of approving the funding of it. It's pretty simple like that. When I put a project together, I have to put the plans, I have to get the cost, I have to do all of that. But before I do that, I take it to somebody, like a bank, and then I have to sell the bank on the merits of that project. And if I don't sell the bank on the merits of the project, I don't get the loan. It's as simple as that. If they think it's a good risk, they'll give me the loan.

It may have come before committee last summer, but I can tell you that I have had nothing come through my office about this project, nothing, that explains it and how good it is. I checked with my aide. We have not had anything. What I've learned about this project, unfortunately -- or fortunately -- I've learned through the Courier Journal.

I just think it's terrible that this council is learning things from the Courier Journal that we should be hearing from the administration. That's the way I look at it. Thank you.

PRESIDENT KING: Thank you. Councilman Engel.

COUNCILMAN ENGEL: Thank you, Mr. President. I want some clarification so we all know what we're going to eventually be voting on here. We are voting on a language change by Councilman Tandy; am I correct?

PRESIDENT KING: That's right. He is proposing we strike the last part of that sentence on page 11, paragraph "H."

COUNCILMAN ENGEL: And let me pursue that further. Councilman, we've heard testimony in disagreement with that, I assume, I think is what I'm hearing. Councilman Downard --

PRESIDENT KING: I would say that that's what you're hearing.

COUNCILMAN ENGEL: Okay. So I want to know what we would be voting on and what a yes vote would mean and what a no vote would mean, if you would be so kind, Mr. President, because I know you're keeping a close eye on this discussion.

PRESIDENT KING: As a matter of answering the question without entering the debate, I would say that the issue at hand is if the language remains as it is, that the -- the administration would have to submit a future bond ordinance to us for approval for the appropriation of the funds before they could consummate the contractual obligations they have on the purchase of the water company block.

If the language is removed, it would allow the administration to use existing cash flow or previous -- or cash flow that would be generated from maybe an earlier bond issue on that -- on that purchase, and then at a later date, when they issue the subsequent bond issue, they could replenish those funds that they're using from the earlier bond issue.

COUNCILMAN ENGEL: Thank you.

PRESIDENT KING: Councilman Johnson.

COUNCILMAN JOHNSON: I just have one question. As you-all know, I first proposed many years ago putting an arena at the water company block, and the property at that time was worth somewhere in the neighborhood of \$10 million. Due to the stagflation that we're having now in real estate values -- and I believe at its height when we were working on the arena, it was appraised to the tune of something like \$14 million. That was probably five years ago. Due to the stagflation that all of us have experienced in our real estate -- at least it is nationwide that I'm hearing that our real estate values are declining -- why would that real estate value be increasing?

PRESIDENT KING: Councilman Heiner.

COUNCILMAN HEINER: Thank you.

PRESIDENT KING: I don't know if you would like to answer that question or not, but you were next on the list.

COUNCILMAN HEINER: Actually, it is one of my concerns, how many buyers are out there right now able to spend \$17 million or would even be interested in spending \$17 million on this property.

But a question I have for this Council is have we had one presentation of the financial terms of the Center City project? We asked a couple questions during the hearings and we found out the land was to be given away for 99 years for a dollar a year, \$17 million worth of land, but do we really understand the finances of what's primarily, you know, a retail -- additional retail in downtown Louisville? When does the time come that we have invested enough in downtown that we don't have to buy private investment in downtown? Knowing the arena comes online here -- even before it comes online, we'll be investing close to \$7 million per year at the minimum, may go up to 10 or 11 a year for the arena.

For Museum Plaza, in addition to the TIF, we'll have a \$47-million general obligation bond that will probably be another 3 million a year. What do we buy enough buzz in downtown Louisville that it can start new development that we don't have to keep pumping money in? Now, I understand. If downtown was in trouble, I understand pumping money in, and I know the previous government pumped money in to buy the big investment in the Marriott and pumped money in 4th Street Live, big investment there to buy out the old developers so I guess Cordish could come in and redo it. I understand that. But at some point we've had such a heavy investment that the people negotiating for the City I feel should demand some kind of return. For instance, if our head of economic development said, you know what? We are going to buy this land because only government can assemble this land. We are going to buy the land and we're going to give it to the developer for, let's say a dollar a year. Instead of 99 years, you know what? We're going to do it for five years. We are going to do it for the time of construction and for the first couple of years to get up and running. But you know what? If the money starts pouring in as we expect it will when all this starts coming on, we are going to expect some return. Maybe it's a 2% return or some small percentage of the profit, assuming it is profitable, that this city would get some return on this land instead of saying for 99 years it's \$1. You know what? We've never had a chance to have that discussion. We've never had any presentation on the financial terms of the project.

So tonight, the way the budget is before you, if this amendment doesn't go through, what this asks for is a six-month delay in spending the \$17 million to buy the land. This is basically a period for this Council to understand the financial terms of this deal with this private developer before the money is spend. Does it need to be six months? No, it doesn't. We may go, the next six weeks, may be able to understand the deal, get comfortable with it, and move forward. But we've had a couple examples lately where this Council is completely left out of the process.

One example is the arena. It came here very late in the process, but I think all of you know that millions were saved of taxpayer dollars because of this Council's involvement. How did that happen? The process was slowed, the Council jumped in, got involved in the negotiations, working with the administration and with the state, and I think we all felt more comfortable at the end of the process than we did at the beginning.

Museum Plaza, again, the deal was struck, the deal was done, it came to the Council late through sort of like almost pulling teeth. We finally got some improvement, some additional taxpayer protections on the expenditure of funds for Museum Plaza. Are the protections at the level that they should be? For some of us, I don't think they're quite at the level they should be, but still, it's better than it was. But a very difficult process. All through it we heard from the administration the deal is done, we can't go back on our word, we'll lose face, we can't possibly negotiate. Now, we're not asking to be involved in the negotiation, but we are asked to be involved in the financial terms on a workgroup basis, some kind of group for people with financial background, whoever on the Council to be involved in these to make sure that we're moving ahead together. That's our primary responsibility is the expenditure of taxpayer money.

What we're being asked for tonight by the administration is let us spend 17 million. We have not presented any financial terms to you. We don't know if we'll ever get a return. In fact, we are not. We haven't seen -- has anybody seen an appraisal for this property? I haven't seen it. I can't imagine there would be another purchaser in the U.S. that would pay 17 million for this. I may be dead wrong, but we haven't seen the appraisals. We have no information at all. We are being asked to approve \$17 million, take all our economic development money, put it in one spot in the city without any information. All we're

asking for is let's cool off. Doesn't have to be six months, could be four months. But let's just understand the deal before we approve the 17 million. I think all of us would like to see it built. I would like to see it built. I question the financial terms, the development agreement, the details of that transaction. And if we don't put a little something, this little language in this tonight, there's no opportunity to get involved with the administration to work out the financial terms of this deal.

So my request of you is that you leave it the way it came out of committee that says that funds wouldn't be expended for six months. And my pledge to you is I'm willing to accelerate that as soon as this Council is comfortable with the terms of the deal, which we have not seen. We've seen renderings, but we have not seen any of the financial terms. Whether that takes four weeks, eight weeks, as fast as the administration wants to go.

Once we have comfort -- could be a Budget Committee, could be a work group -- once we have comfort, let the project go, but we're asked to sign tonight almost blindfolded a check for \$17 million with no understanding of, one, the value of the property, as Councilman Johnson said, and two, what any terms of repayment, what are we getting for the 17 million, just no involvement whatsoever. So I think it's a small step, but I think it's a step that would say we want to work together with the administration early and not get back into the arena situation where we join late, not get back involved in the Museum Plaza, where we joined late, and everyone is upset and concerned because nothing can be done at that late point. Thank you.

PRESIDENT KING: Councilman Tandy.

COUNCILMAN TANDY: Thank you, Mr. President. In listening to the discussion, there's a number of points I think I'd like to address. First, with regard to some of the arguments that are being made this evening, what I'm hearing from some folks that are opposed to this particular amendment is that there is a -- an argument or a displeasure with regard to the process in we economic development deals are done at the present time.

If the argument is about the process in which it is done, then this budget language is not -- and then this budget is not the place to do that. Those arguments are arguments that should be made in discussions or through the public forum with the executive branch directly as opposed to putting language within this particular budget. Because what is -- what is being perceived or at least what is being pushed forward with this is contrary to what the voters who approved the merger vote back what, some six years ago, said that they were calling for, and that was that we would speak with one voice in this community.

At the present time, what it feels like is happening here is that anyone who is looking to do business with the City of Louisville has to serve two masters as opposed to dealing with one. Now, that's not to be said that there's not a role for the legislative branch. I agree with that. But at the same time, there's not a need to -- to overexert the role that the executive branch plays in this. Each one of us has a responsibility certainly to the people that we represent -- that we represent, but at the same time, the executive branch has a role to play and a responsibility to the people that they represent.

When it comes to -- and I'm glad that my colleague from District 19 brought up -- brought up the arena discussion. The arena issue was a -- a primary example, a positive example of how this legislative body interacted with and should interact with the process in which we go about dealing with taxpayer dollars or dealing with changes that need to be made as it relates to major projects.

Now, remember, all along during the process related to the arena development, there were some of us on this Council who kept calling for certain terms and conditions to be placed into -- into the agreement that was -- into the agreement that was brought forward to us. Now, that language may not have been brought -- may have been put forth or some parts of it may have been adopted and others have been left aside, but nonetheless, when it came to us, we had the opportunity to then add new language to do our part once it came over to us to then change it in such a manner in which it made -- it turned out to be better for all of us -- all the folks involved.

I guess to put what I'm saying here -- if I wanted to say it -- into more common parlance is there is a danger when you have too many cooks in the kitchen, and that's what this -- this language that is being put into the capital budget sounds like to me, that there are too many cooks who are wanting to become -- get into the -- into the process at a particular time, when this is not the place for that. The proper place for that will be when this matter comes back before us for final approval of the agreement itself, and we will have an opportunity to review the -- to review this particular project, and we'll have an opportunity in order to chime in and have our say as to what that should be, but I would also -- again, going back to another point that was made earlier, I believe, when it was said that, well, this is something that we haven't had an opportunity to talk about, to discuss.

I again go back to a comment that my colleague from District 5 made, and I will point everybody back to the record that we had on August the 9th. On August the 9th, this body unanimously passed with two members not voting at that present time, we unanimously passed a resolution that gave the Mayor's office and the economic development team the authority to move forward and to purchase land as it related to the water company block. We did that. We gave them that authority. They acted upon that authority. Now, with the insertion of this language here in the capital budget, we are essentially flying in the face of the -- of our own language that we approved back almost -- almost a year ago. And so I would caution us from acting -- acting in the moment, and I would encourage us to be very thoughtful in terms of our actions and how we're moving forward and the type of -- the type of precedent, if you will, that we would like to set as we're moving forward as a young body. Thank you, Mr. President.

PRESIDENT KING: Thank you. Councilman Blackwell.

COUNCILMAN BLACKWELL: Thank you. One of my issues I was going to ask I think was just clarified by Councilman Tandy. I was -- I remember dealing with this in committee, as Councilwoman Bryant Hamilton had suggested, and so then I was confused when Councilwoman Stuckel testified that they didn't know anything about it because I thought it got out of committee and we voted on it here in this whole body, but that may have been one of the votes you just mentioned.

The other thing, even in the committee -- there's a couple of things. I just want to -- to listen to this at home, you might get the impression that -- first of all, that our administration is going to go out and pay, you know, way more than fair market value for this land, and secondly, that they are, I guess, incompetent, that they're not going to be able to put together a good agreement, and that we won't get a chance to review it. And I don't think any of those are true. First, I don't think that the record would indicate that our administration is going to go out and pay above fair market value, and I don't think -- I think the agreement will -- that they work on will be comprehensive, and it will come back to us, and we'll have chances to put our finishing touches on things. You know, Councilman Heiner suggests that we need to slow down and get in the front end of these conversations, and then he gives examples of how we were -- you know, the arena and the others, the examples of where we did, in fact, weigh in and make changes that were valuable. We made mention of the changes to the financial, the changes that we made of local jobs for the local workers and so on for the arena project.

And I also remember too that we made a change in the committee, I suggested that we change some language even early on, and remind you that we're looking at not just some areas there, the water company and so on, but that whole deal includes things -- the agreement includes Louisville Gardens renovation. Things like that are additions that we drop in on Cordish and say we can help you here, but in exchange for that, we need you to do Louisville Gardens, and I can't imagine that we have anybody in the city that would jump on that opportunity to take Louisville Gardens, as poorly as we have kept it up over the years, and to me, that's going to be a huge positive of the whole deal, that Louisville Gardens will be new and improved and hopefully will be revitalized and we'll get things moving into Louisville Gardens as opposed to moving out of, which is where they are right now.

I think there's a lot to the agreement that I look forward to hearing more and to be working more. And I do encourage administration to keep us in conversations along the way. I think the more conversation we have the better off we are. I don't think there's any question about that. Thank you, Mr. President.

PRESIDENT KING: Thank you, Councilman Blackwell. Councilwoman Raque Adams.

COUNCILWOMAN ADAMS: Thank you, Mr. President, and I'll be brief. In response to Councilman Tandy that he pointed out there are some people who have trouble with the process, I for one do not have trouble with the economic development process as it's initiated from the administrative side. I don't expect to be involved in economic development discussions, but what I do expect to be involved in are the discussions on the expenditure of funds. These are not city funds, these are taxpayer dollars, and we are now afforded the opportunity to decide whether we spend \$17 million or not.

We authorized \$2.5 million, apparently, in last year's budget. \$2.5 is a heck of a lot different than \$17 million. That's a significant increase, and it's incumbent upon us, as elected officials, to do our job and to decide if \$17 million is right amount to spend. Right now, I have been presented with no financials, no appraisals, no information, and if I'm going to do my job and look at my voters, look at my constituents in the face and say, oh, I just went ahead on trust and belief that this is going to be a really great thing for us because I didn't want to wait six weeks or eight weeks or three months to see any information put

before me. I can't do that. I think we need to really think long and hard. It's not that I'm opposed to the project, but we are going to spend \$17 million, and the argument that we have an opportunity to involve ourselves in the process at a later date, that may or may not be true, but what is true is if you pass this and we spend the \$17 million, that land is sold, That is gone. We have no opportunity to participate in the \$17-million discussion anymore. It's over.

So I would encourage my colleagues to keep this language in, and let's do our due diligence and make our, you know, constituents proud of us, that we're financially responsible. Thank you.

PRESIDENT KING: Thank you. Councilman Kramer.

COUNCILMAN KRAMER: Thank you, Mr. President. I would point out that the budget is precisely the time to deal with these issues. I'd remind my colleague from District 4 that our responsibility is to decide on how funds will be appropriated. The line that's added into this budget would prohibit the mayor from moving funds that have already been committed to projects in '08 that need to be built, capital projects that were supposed to already have been started. It would allow that -- without this language, it would allow that money be moved away from those capital projects to purchase \$17 million worth of property without us having an opportunity to discuss whether or not that purchase was appropriate.

I would state further that the legislative body at all levels of government shares this responsibility. Further, each legislative body also keeps close watch on whether the executive branch moves the government. To suggest that consulting a legislative body would make negotiations difficult or impossible seems a bit of a stretch to me.

I would point out to my colleagues and to those listening that the President of the United States cannot enter into a treaty without the approval of the United States Senate. Surely we are not suggesting that negotiations are somehow more difficult or sensitive than international treaties. We are simply asking that this legislative body be given the opportunity to fill its obligation. We cannot gauge the direction the executive is moving this city without the information. We cannot responsibly appropriate funds without this information.

I implore my colleagues to do our jobs and engage fully in due diligence. Please, don't take out the line that requires the mayor to use the money in the budget to take care of those items that we've already approved. Thank you.

PRESIDENT KING: Thank you. Councilman Benson.

COUNCILMAN BENSON: Thank you, Mr. President. I'll be short, try to be. Sometimes when I make decisions, there's a number of people get upset because they think I might be doing something personal, and I don't do anything I think is personal. I try to do what I think is right. Bear Sterns, big company, you know, nice, these people who really believe that they were doing right, prime interest rate, giving people loans. They had a little problem. Countrywide had some problems. Are these people competent? Some of them might end up going to prison, and that's terrible. We don't want anybody -- we like the checks and balance. That's what the government is set up, to make sure we check -- the balance is there. You know, if you're going to buy a piece of property, can we appraise it, is it worth it? You know, I just think that we're spending \$17 million, just let us in the loop. That's all I'm asking, let me in the loop. I'm not trying to do anybody's job, but I will try to do my job and make sure that we don't do something and make sure that the public will be happy. And so I think we need to keep it in. Thank you.

PRESIDENT KING: Thank you, Councilman Benson. Councilman Blackwell.

COUNCILMAN BLACKWELL: Yes. Thank you, Mr. President. As we talk about this, it seems to me that our discourse is getting more polarized rather than less, and I would -- I would suggest maybe that we take a five-minute -- perhaps a five-minute break or so and then -- and maybe get a drink and -- of water -

- [Laughter]

That won't help.

and then maybe come back and approximate more of a spirit of trying to come up with some sort of a compromise.

PRESIDENT KING: All right. Without objection, we will --

COUNCILWOMAN HAMILTON: I object.

PRESIDENT KING: You object?
COUNCILWOMAN HAMILTON: I object.

PRESIDENT KING: All right. There's been a motion --
COUNCILMAN JOHNSON: I call the question.
COUNCILWOMAN HAMILTON: Second.

PRESIDENT KING: There's been a motion that we take a five-minute recess. Do I have a second to that?
COUNCILMAN HEINER: Second.

PRESIDENT KING: All right. All those in favor of taking a five-minute recess, say aye.
[Chorus of ayes]
Opposed.
[Chorus of nos]
The ayes have it. We have a five-minute recess.

RECESS TAKEN: (7:57 pm)
Reconvened at 8:12 pm.

PRESIDENT KING: The meeting will come back to order, please. I'm going to wait another 30 seconds to allow the rest of our members to re-enter the chambers. To remind everyone, before recess, we have - - we had an amendment before us with respect to language, page 11 of the capital budget, letter "H," and we were in discussion on that amendment. I have no one registered to speak at this moment. Councilman Downard. Would you all please click in. I've got you, Councilman Downard.

COUNCILMAN DOWNARD: Well, I clicked in again.

PRESIDENT KING: Okay. You're off now.

COUNCILMAN DOWNARD: Let me just respond to a couple of things and see if we can bring something to conclusion. The '09 bond that includes the funds for the \$17-million purchase is delayed for six months. It's part of the whole budget process that includes -- that brought the dollars available to do all the things that we've got to do for the external agencies.

We're talking about here the ability to use funds from 1906 and 1908 bonds -- excuse me. 2008 and --

PRESIDENT KING: Those need to be used.

COUNCILMAN DOWNARD: What did I say? Did he say 1906?

PRESIDENT KING: Those were your birth dates you were talking about.

I apologize for that. You're obviously not a day over 40.

COUNCILMAN DOWNARD: You must be. You must be blind.

PRESIDENT KING: I'm there with you. You and I are the same age anyway.

COUNCILMAN DOWNARD: So we're talking about using, in a previous bond, to use those funds to do all the things in the '09 in our current bond issue that need to be done kind of quickly. And I propose -- notice there now -- to not buy land for the city center development until we get a chance to see it.

Now, let's go through the timing on that. We're all getting hung up on six months and five months and ten months and two months. The timing on this is until we get some -- till Bruce Traugher, who said within 30 days he thought he'd bring the development agreement to us, it was almost fine, I think he told us, and the dollars and the numbers to us so we can take a look at things and make suggestions that I think are important.

To think that we'll just go ahead and accept the things that come in, I've got to remind you of something. That arena deal changed by \$102 million because of this Council. It wasn't like it got done really well, and there was three people in the room, and we're not going to put the president on the line, but he was one of them. Where the people from the state who negotiated just said, well, we'll drop it back \$100 million. So there are things we ought to be saying.

I want to suggest that if we sell this property 20 years from now, don't you think we ought to get some money out of that? I mean, there are just some things we have -- questions we've never even

asked that I think we ought to ask, and if we can get a chance to do that and it comes in, we make an amendment and take this out of there. But to do it blindly is the thing that just -- it disturbs me, and it seems like we keep getting told, well, you authorized me to do this, and we authorized them to spend \$17 million or \$5 million or \$2 million. I guarantee you we're in a hole then. Forget it. No sense talking about it. Because we put the money out.

And I just want to say, let us do our job as legislative oversight and review the expenditure that we have to authorize. Nobody else does that. For me, to think about the conversation of not being able to negotiate deals, everybody that negotiates with a government knows, I hope, that you have to get the appropriation. It's kinds of a we'll go back. Now, I would hope that the process that we talked about would not be do the darn thing, bring it in, approve or disapprove. That's not the way to do it. The way to do it is to keep people apprised the way you go along so everyone can feel comfortable. Everyone knows if it's my idea it's not a good one, if it's yours, it is. That is how it is. If we could work more collaboratively, anyone says they could have gone through this whole deal, I wish I could have sat in the room with you. We haven't seen it. We've seen some pictures and plaques and things, but that's it.

I would like to say -- I mean, the time frames, let's just get it straight. There's nothing in concrete because -- there's one time frame, the maximum of six months because -- so it can be a whole lot less, and I think it would be -- it would make sense. Mr. Traugher has always been very open when he comes down, and I'd like to see if we can get this, but right now, I haven't seen anything. When I asked him point blank in this budget hearing when can we have that agreement to look at and find out what the numbers are in the deal, he said it should be done pretty soon. We're almost negotiated. I thought to myself, I said, how can you almost negotiate something you can't -- you don't have any authority to fund? The process confuses me. If we're part of it, the administration would be very easy for them to go in with the assumption that sure, it's going to be approved for all the right reasons. But if we're not part of it, it seems unusual for a legislative body just to say bring it to us. So that's it. I just hope to clear up the time frame, if I could.

PRESIDENT KING: Councilman Peden.

COUNCILMAN PEDEN: Thank you, Mr. President. I would like to continue on with the analogy that Councilman Tandy brought up earlier about too many cooks in the kitchen, and I would agree that when it comes to negotiating with various groups, we probably don't need too many cooks in the kitchen. But to carry that analogy a step further in this particular case, you wouldn't order a meal in a restaurant without actually ever seeing the menu first, and right now all we have are the pretty pictures that are included over to the side. We don't know what's included in this deal, we don't know what the price tag is, and if you walked into a restaurant, as good as you think the cook is, you probably wouldn't appreciate it very much if they just started setting food down in front of you and wondering where it came from.

And then what's -- the typical pattern is, is that once they've presented it to us, they tell us it's too late to change. If you do this, it scraps the whole deal, so you've got to either eat this or don't eat at all. And our history has been to approve it. And I just don't think -- I think somewhere along the line, had it been the arena, whether -- had it been Museum Plaza or somewhere, we're going to have to basically make a stand, and this project is probably, you know -- this is the next place that I would choose to make a stand, and if this doesn't work, it will be the next project where we choose to make a stand, where I would personally like to be involved with the information.

I am on that Economic Development Committee that saw the presentation. I asked Mr. Traugher for information, which like Councilman Downard, he said, well, we'll have it later. They showed us the renderings, they showed us the ideas, they showed us that they're going to renovate Louisville Gardens, and it was all great. But they -- you know, Mr. Traugher advised us then in that committee, well, we're going to have to figure out how to obtain this land. Well, apparently now it has come down to the fact that we're just going to buy it. I asked that very question because one of the things at the time was recent Supreme Court ruling that had said you can condemn land and take it for -- and give it to other developers as opposed to using it as a governmental purpose, and I told him then I wasn't comfortable with doing that. He said we don't know now how we're going to do it. Well now apparently now we do.

Things are progressing. Somewhere down the line the Council needs to get involved earlier than the it's too late to change stage, which seems where we've been getting involved in the last two to three big real estate issues. Like I said, this is my point to kind of draw a line in the sand, and I'll keep moving it as needed.

PRESIDENT KING: Councilman Blackwell.

COUNCILMAN BLACKWELL: No, I think that was actually up there from before.

PRESIDENT KING: Okay. Thank you. Councilman Heiner.

COUNCILMAN HEINER: Thank you. Just real quick, I ask that you ask yourself a few questions before you vote. First are you comfortable with the administration spending \$17 million without this Council ever having seen the appraisal? Are you comfortable voting to spend \$17 million without ever seeing the financial terms of the development agreement? And third, are you comfortable spending \$17 million without ever having seen the completion guarantee? Let me tell you why a couple of those things are important.

Let's say we buy the property, it goes to the developer, and the developer just builds a parking garage and for some reason, can't get financing, it's a difficult time, life's difficult in another city, for whatever reason, 25% of the project's complete, but it occupies a lot of this ground where the 17 million is, so we've gotten a fraction of what the renderings show, and at that point, do we have the ability to ask for the land back? Well, he's already built on the land -- he or she has already built on the land. Can we get it back? Well, I don't know if we can or not. Downtown hasn't really realized the benefits. Gardens hasn't been improved. Well, that sort of comes into the completion guarantee. Have we seen anything on the completion -- no.

So then maybe our decision tonight is then, well, we're just buying the land, we're not approving the deal with the developers, but we're paying \$17 million for the land never having seen an appraisal, and should we in this time where real estate is pretty rocky, I mean, should we be paying 100% -- you know, 100% value or 130% value? In some cases it makes sense to do that. If the terms of the transaction are so great, if what happens to downtown is so impressive, well, it may be worth paying double what the land's worth. I'm not opposed to that if the return to the city is so great, but we don't know what that return is. These development agreements usually have -- a lot of times have a minimum build and a maximum build. Museum Plaza I think they could build maybe half of it and still be okay. But what's the minimum build in this case? What happens if it's 25% built and they stop? What if the roof doesn't go on, it's not -- you know, some of those details that I feel like fall in this body's responsibility as really the prime protector of the taxpayer dollars.

Now, if we're buying this land at a steal, you know, if it's -- it's foreclosure time or, you know, we have an appraisal and it's worth \$20 million and we're buying it for \$3 million, I'd say okay, because you know what? I know within a year or two if this transaction doesn't happen, we can turn it back. But if we're buying it at the top of the market or we're paying 50% more than appraised value, I think this Council has an obligation to understand the terms of the deal. One, we need to see the appraisal. And if we're buying full appraisal value and it's not a bargain basement sale -- I don't think it is -- then I think we have an obligation to understand sort of the return, the guarantees to the city that that return is going to be there, that this is a really good investment for us, and we don't have a clue -- I don't have a clue what that -- what that return is because it hasn't been presented by the administration.

So again, all we're asking for is a delay until we have that opportunity to understand the deal, and if that happens in one week, in four weeks, in 12 weeks and we're happy, let's move ahead. But I think there's an obligation for us to understand it before we spend \$17 million.

PRESIDENT KING: Councilman Johnson.

COUNCILMAN JOHNSON: Ray Manley, my legislative aide is still here, and he's done some research as we've been sitting here talking about this, and he's done some tax assessments for the block that's still there. As we know, tax assessments usually lag behind what something is actually worth, but total tax assessments he came up with, going over all the 15 properties, was something to the tune of \$7.7 million. And being as that's the case, I would like to see an appraisal myself, and I'll be voting with Councilman Heiner.

PRESIDENT KING: Councilwoman Butler.

COUNCILWOMAN BUTLER: Thank you, Mr. President. As I sit here listening to the discussion tonight, it appears to me as if some of the council members would like to micromanage the administration, and I do not think that is our role. I think we need to give them the leeway to do the negotiations they need to do, then they come back to us for approval or disapproval.

I go back to Councilman Tandy with his too many cooks in the kitchen, and I agree with that. We cannot have too many people negotiating. But I think once something's worked out, it's fine for us to fine-tune it, if we can. In terms of communications with the administration, I have had wonderful communications with the administration. Anytime I have a question, I call them and they get back to me. Occasionally they call me with information too. It's a two-way street here. I have no problem calling them. I have faith in them that they are doing the best they can do for our community, and I do believe over 75% of the voters in our community agreed with that because Mayor Abramson is in yet again. So I ask us to give the administration the ability they need to negotiate tonight. Thank you.

PRESIDENT KING: Thank you. Councilman Engel.

COUNCILMAN ENGEL: Thank you, Mr. President. And I too work extremely close with this administration as often as I can on as many projects as I can, and I recall the discussion from our colleague, we've heard a lot about our hands being tied and too many cooks. But I also heard that we serve two masters, and if I remember when I was campaigning or talking to constituents out there and so many of my constituents talked against merger, against merger, and I tried to tell them, I said, we have to come together as a community, we have to be together on this, and it was a tough time I had with the merger vote, but I decided it was time to come together and say I believe that if we get away from the city-county, the clashing and the -- the competition, if you will, between city and county that we will be -- we will be a stronger community for that. And that goes right to the heart of what we're talking about.

Do we believe in merger? Because 26 of us are engaged in so many things that can be helpful for this administration and helpful to so many projects in this community. So I believe we have to ask ourselves, our importance and our role as elected officials. And I have to tell you that every time a constituent says they have a concern that merger may not be working for them, I honestly tell them that I supported merger back then and I support merger today. There is no way that I feel a developer -- a development finds it difficult to -- or to serve two masters in today's world. Can you imagine if you were a developer and somebody that negotiated back in the '60s and '70s and '80s and '90s in this community and then you had to stop off at City Hall and then had you to stop off at the Jefferson County courthouse and negotiate with those two entities? Folks, we are making quick decisions, and we are responding to our constituents so much more efficiently today because of merger and because of 26 of us sitting around this room. So I don't buy the argument. I understand -- I understand -- I understand the discussion and -- from my colleague from District 4, but I honestly have -- everybody has to sit there and ask yourself, can we be beneficial to this discussion in taking and helping fund and taking money out of these high-cost, costly developments and investments? And I think at the end of the day, my hope is that we will give ourselves the ability to have a seat at the end of the table -- at the table as 26 members.

Thank you very much, Mr. President.

PRESIDENT KING: Thank you. Councilman Owen.

COUNCILMAN OWEN: Thank you, Mr. President. I have been uncharacteristically quiet. The -- but as I've sat here and as my colleagues, my distinguished colleagues who -- on the other side of this issue have depicted me as really pretty stupid, not wanting to exercise my responsibility as a legislator. They have conjured before us a long string of what-ifs, what if, what if, what if. And I think for those folks who are listening to our discussion, it's important to say that this is a legitimate discussion, and naturally, in support of your case, you conjure up as many spooks as you can, and in support of your case, you challenge all of us to step up and take our responsibility.

But there really is an issue at core here. The issue as to whether the mayor is to be a deal negotiator and initiator and whether we have opportunities built into our system that allows us proper oversight of deals that are proposed, deals that are made, do we have some steps along the way that allow us to exercise and step up to our responsibility. I genuinely believe that we do.

It does seem to me inappropriate to suggest that we see all of the appraisals now. For instance, what if you like the appraisal, seven of us don't like the appraisal, three of us are uncommitted on the appraisal, and this becomes a subject of broad-based public debate? Suddenly the mayor, as an initiator and negotiator in a real estate purchase, suddenly has, oh, 22, 24 of us aware of the appraisals expressing our opinion in public, in the press about the appraisals, and suddenly the ability to purchase the real estate for a major development becomes a matter of a committee decision. It reminds me of trying -- if you're a family -- to have the brother-in-law and the sister-in-law and Aunt Maude all involved

publicly in negotiating the purchase of a piece of property for the family. You need one of you out there directly involved in the negotiation. We don't need to make purchases for this community on important deals that provide jobs for drywall folks, provide jobs for plumbers, provide jobs for a multitude of people in a \$400-million development. \$400 million development proposed. Then we don't need to do this by committee. So there is a legitimate issue here, and that is the role of the mayor as an initiator and negotiator or the role of the mayor as a member of the committee negotiating -- negotiating deals.

Now, let me make one other point, and I've already alluded to it. We will have multiple opportunities to be called upon to step up to do our legislative responsibility. Will the agreement come before this council? Of course it will. Now, there's an argument, oh, it will be too late. I didn't see that we were so much behind the eight-ball, so much too late on the arena, so much too late on Museum Plaza. We made changes. You made changes. We negotiated changes. We were involved. But what I think is really the fretfulness on the other side of this issue is that you want to be involved, by gosh, from the very moment of initiation and negotiation. You want to know about those appraisals. And it just -- it seems to me -- creates -- in Mr. Tandy's -- Mr. Tandy's terms -- too many folks involved in trying to do these kinds of negotiations.

I remind you, we will have multiple opportunities, we will approve the agreement, we will be involved in approving either the sale or the giving away of the property. We will be involved in any kind of incentive agreements. We will be involved in appropriating funds for this project. So we will be involved in multiple, multiple opportunities, and really, folks, there's no sense responding to me because all of you have had an opportunity to make the very, very points that I am now, after a great deal of silence, choosing to respond to.

I remind you, the real issue here is whether the mayor is going to be an initiator and negotiator or whether land purchases are going to be made by committee. I don't think there's a one of us who would want land purchasing to be made by committee, at least not in your house.

PRESIDENT KING: Thank you, Councilman Owen. And I would ask that we -- we work on providing information that is not redundant and is germane to wrap this up. Councilman Fleming.

COUNCILMAN FLEMING: Thank you, Mr. President. I don't think we're looking at being a negotiator or looking at getting into the micromanaging the process, but I think that we need to be -- at least a couple of us, maybe leadership on this Council -- be put on the very beginning to help the process to utilize the resources of our expertise and what we can bring to the table on that. Yes, the mayor can negotiate. Yes, the mayor can go through that process. But there's so much talent on this council that can be utilized to better serve the taxpayers. Mr. President, I would like to call the question.

PRESIDENT KING: Do I have a second on calling the question?

COUNCILMAN UNSELD: Second.

PRESIDENT KING: All right. There is a motion to call the question on the floor. I would like to take a roll call vote on that. Madam Clerk, would you please open the voting.

CLERK: One second, sir.

Voting result: Call the question

JUDY GREEN: YES

BARBARA SHANKLIN: YES

MARY WOOLRIDGE: YES

DAVID TANDY: YES

CHERI HAMILTON: YES

GEORGE UNSELD: YES

KEN FLEMING: YES

TOM OWEN: YES

TINA WARD-PUGH: YES

PRESIDENT JIM KING: YES

KEVIN KRAMER: YES

RICK BLACKWELL: YES

VICKI WELCH: EXCUSED ABSENCE

BOB HENDERSON: YES
MARIANNE BUTLER: YES
KELLY DOWNARD: YES
GLEN STUCKEL: YES
JULIE RAQUE ADAMS: YES
HAL HEINER: YES
STUART BENSON: YES
DAN JOHNSON: YES
ROBIN ENGEL: YES
JAMES PEDEN: YES
MADONNA FLOOD: YES
DOUG HAWKINS: YES
ELLEN CALL: YES

COUNCILMAN OWEN: And we're voting on calling the question?

PRESIDENT KING: Voting on calling the question. Then the next step would be taking a vote on the proposed amendment.

CLERK: Okay.

PRESIDENT KING: The question is called. Excuse me. Announce the vote total.

CLERK: There are 24 Yes votes, one no vote from CM Benson and one not voting.

PRESIDENT KING: 24 yes votes, did you say that?

CLERK: Yes, sir.

PRESIDENT KING: Okay. The question is called. The question before us is a vote on the amendment to eliminate the last phrase following the word "forward" on letter "H" on page 11 of the capital budget. This is -- would normally call for a voice vote, but I would suggest that we would want to roll call this. A vote in favor of this removes the language, and a vote opposed to this leaves the language in there. Madam Clerk, would you please open the voting?

Voting result: CM Tandy's floor amendment to remove language

JUDY GREEN: YES
BARBARA SHANKLIN: YES
MARY WOOLRIDGE: YES
DAVID TANDY: YES
CHERI HAMILTON: YES
GEORGE UNSELD: YES
KEN FLEMING: NO
TOM OWEN: YES
TINA WARD-PUGH: YES
PRESIDENT JIM KING: YES
KEVIN KRAMER: NO
RICK BLACKWELL: YES
VICKI WELCH: EXCUSED ABSENCE
BOB HENDERSON: YES
MARIANNE BUTLER: YES
KELLY DOWNARD: NO
GLEN STUCKEL: NO
JULIE RAQUE ADAMS: NO
HAL HEINER: NO

STUART BENSON: NO
DAN JOHNSON: YES
ROBIN ENGEL: NO
JAMES PEDEN: NO
MADONNA FLOOD: YES
DOUG HAWKINS: NO
ELLEN CALL: NO

CLERK: There are 14 yes votes, 11 no votes from members Fleming, Kramer, Downard, Stuckel, Adams, Heiner, Benson, Engel, Peden, Hawkins, and Call, and one not voting.

PRESIDENT KING: Thank you Madam Clerk. **The amendment passes.**
Is there any further discussion on the capital budget?

COUNCILWOMAN WARD-PUGH: Mr. President.

PRESIDENT KING: Councilwoman Ward-Pugh.

COUNCILWOMAN WARD-PUGH: Thank you, Mr. President. I didn't want to miss the opportunity for folks who may be in the audience or watching on TV just to highlight a couple of things about the aquatics facility. And I know Councilwoman Hamilton mentioned them early. I wanted to just, if I might, point to page 5, item -- the additional item 61, aquatics facilities.

This originally, as all of you know, originally was labeled as spray grounds or splash parks for Breslin and Shelby pools. I do want to say that I appreciate my colleagues in a bipartisan way who initiated responding to the folks, and I appreciate that you've done that. I want to say that. I also want to say that we changed that language to be aquatic facilities also to say to the public that we have heard that there is great concern about replacing pools with something other than a better pool. I just want to say that first of all, the additional language that was added reads before the \$600,000 -- there is 300 for Breslin, 300 for Shelby -- before the \$600,000 is spent the Parks Department shall submit the plan for approval to the Metro Council, and I wanted to say to the public and for folks who may not understand this that I have spoken with the Metro Parks director, Mike Heitz. He has assured me that there will be public and community meetings over the next three or four months for community input for the purpose of looking at both of the master plans for each of these parks. The phrasing is we all believe there should be water, some sort of water on those parks. The question now really is what is appropriate, so I just wanted to point that out for folks who may not have seen the shift in this language as a response, and I want to thank my colleagues for helping us accomplish that. Thank you.

PRESIDENT KING: Thank you, Councilwoman Ward-Pugh. Is there any further discussion?
Councilwoman Shanklin.

COUNCILWOMAN SHANKLIN: I'd just like to make a comment. I wanted to thank -- before we vote on this capital budget, I'd like to say thanks to the mayor and all my colleagues for the library that's going to be voted in this. When we first started talking about the library six years ago, some of the same people that are sitting here said we're going to help you get a library, and over the time, you know, there was times I was discouraged, and just recently I was discouraged, but you know, everything came together, and I appreciate, you know, the bipartisan efforts to get the library and to actually get the size that we need in our community. So I'm just so humbled to every one of you here, and I really just appreciate it so much, and my community appreciates it. So thank you.

PRESIDENT KING: Thank you, Councilwoman. Councilman Downard.

COUNCILMAN DOWNARD: Just two things very quickly. I want to -- for all the people in District 9 that are running around out there very concerned, I've got to tell you something. You are represented by somebody who spends 24 hours a day worrying about whether she's doing the right thing and making us

do the right thing, and we have had harden comments and conversations about aquatics, which is the new term we're now using.

It is difficult. I visited the parks, and I had questions and we've discussed them, and I'm confident that the community needs to know -- you need to be at these meetings, and you're going to have that chance to do that. We're not spending any money on anything until you get a chance to be involved. That's what Councilwoman Ward-Pugh has been pushing since three and a half weeks ago. So you're going to be able to have the ability to be involved in it. I know you are. And I just -- I just appreciate that.

I want to say one other thing, and then I'll -- I can't promise I'll totally shut up, but I'll try to.

PRESIDENT KING: Go ahead, go ahead.

COUNCILMAN DOWNARD: And I have to tell you of course I was very disappointed in the last vote. That's done. It's done. I have to say that on this capital budget, I'll be voting no very strongly to make a statement that the legislative branch of government is not what I think it should be in terms of the process, and we talk about all the chances. We don't have any chances to do anything, period. It's over. You think things are going to come back and we can prove it, the last time things came back you can make a change, no, you can't do it because we can't change it. We've already approved it. If you heard the whole argument, just pay attention to what you heard and believe what you want, but I'm very sorry because I worked real hard on this, and I really spent -- I really wanted to do a lot. And then on the capital side, it's -- I didn't get there, so I apologize. Thank you.

PRESIDENT KING: Thank you. Is there any further discussion on -- on the ordinance. Councilman Benson, were you seeking recognition with respect to another amendment?

COUNCILMAN BENSON: Yes, sir.

PRESIDENT KING: All right, I think it's time for that. That's in order if you'd like to offer your amendment.

>>

COUNCILMAN BENSON: Okay, Mr. President. On line 55, on parks and recreation.

PRESIDENT KING: Page 5 of the capital budget?

COUNCILMAN BENSON: Yes, sir. It says Charlie Vettiner Ballfield. We can't give that much money to ballfields. We need to be park improvements.

PRESIDENT KING: How would you like that line to read?

COUNCILMAN BENSON: Charlie Vettiner's Park improvements.

COUNCILMAN DOWNARD: Second.

PRESIDENT KING: I have a motion and a second. Without objection, that language will be charged to Charlie Vettiner park improvements.

COUNCILMAN BENSON: Thank you.

PRESIDENT KING: Thank you. Any further discussion? We now have the amended ordinance before us, which requires a roll call vote. Madam Clerk, please open the voting.

COUNCILMAN FLEMING: Mr. President.

PRESIDENT KING: Councilman Fleming.

COUNCILMAN FLEMING: Are we voting for the whole amendment or did we vote --

PRESIDENT KING: The amendment has already been voted because I did it without objection. This is the entire capital ordinance if you would like to vote no.

COUNCILMAN FLEMING: Okay. Thank you. Appreciate that.

PRESIDENT KING: Without objection, the voting is closing. The voting is closed.

Voting result: Capital Budget

JUDY GREEN: YES
BARBARA SHANKLIN: YES
MARY WOOLRIDGE: YES
DAVID TANDY: YES
CHERI HAMILTON: YES
GEORGE UNSELD: YES
KEN FLEMING: NO
TOM OWEN: YES
TINA WARD-PUGH: YES
PRESIDENT JIM KING: YES
KEVIN KRAMER: NO
RICK BLACKWELL: YES
VICKI WELCH: EXCUSED ABSENCE
BOB HENDERSON: YES
MARIANNE BUTLER: YES
KELLY DOWNARD: NO
GLEN STUCKEL: NO
JULIE RAQUE ADAMS: NO
HAL HEINER: NO
STUART BENSON: NO
DAN JOHNSON: YES
ROBIN ENGEL: NO
JAMES PEDEN: NO
MADONNA FLOOD: YES
DOUG HAWKINS: NO
ELLEN CALL: NO

CLERK: There are 14 yes, 11 no votes from Council members Fleming, Kramer, Downard, Adams, Heiner, Engel, Peden, Hawkins, and Call, and one not voting, Councilwoman Welch.

PRESIDENT KING: Thank you, Madam Clerk. **The ordinance passes.** Madam Clerk, a reading of item 45, if that's where we are.

CLERK: Yes, sir.

45. O-112-06-08 AN ORDINANCE RELATING TO THE 2008-09 OPERATING BUDGET FOR THE LOUISVILLE/JEFFERSON COUNTY METRO GOVERNMENT INCLUDING APPROPRIATIONS AND AUTHORIZATIONS FOR OPERATION, MAINTENANCE, SUPPORT, AND FUNCTIONING OF THE GOVERNMENT AND ITS VARIOUS OFFICERS, DEPARTMENTS, COMMISSIONS, INSTITUTIONS, AGENCIES, AND OTHER METRO-SUPPORTED ACTIVITIES..

Status: On Council Agenda - Old Business
Committee: Budget
Primary Sponsor: Cheri Bryant Hamilton

COUNCILMAN TANDY: Motion to approve.
COUNCILWOMAN HAMILTON: Second.

PRESIDENT KING: This item has been properly moved and seconded. Is there any discussion? Councilwoman Hamilton would you like to speak on this.

COUNCILWOMAN HAMILTON: Just briefly. Thank you, Mr. President. This item was amended in committee yesterday, and prior to speaking on the last ordinance, I spoke about the amendment, so I'd like to move the amended version.

COUNCILWOMAN WARD-PUGH: Second.

PRESIDENT KING: The motion has been properly moved and seconded. Is there any further discussion on this amendment? If you have floor amendments, I would appreciate an up or down vote on this amendment and then go to the floor amendments. Hearing none, this is amendment, calling for a voice vote. All those in favor, say aye.

ALL PRESENT: AYE

All opposed. The ayes have it. **The amendment passes.**

Now I am looking for further discussion. Councilman Engel.

COUNCILMAN ENGEL: Thank you, Mr. President. This amendment -- please refer to page 7 under Parks and Recreation. I would add a letter "D" to read, included in F1A above is \$100,000 for parks maintenance to be used for additional grass cutting and ball field maintenance, and I move that amendment.

COUNCILMAN BENSON: Second.

PRESIDENT KING: I have a motion and a second on this amendment. All those in favor, say aye.

ALL PRESENT: AYE

Opposed. Ayes have it. **The amendment passes.** Councilman Fleming.

COUNCILMAN FLEMING: Thank you, Mr. President. This is just general comments. Are we still looking at voting on the overall operating expenses?

PRESIDENT KING: It's likely we will have other floor amendments, if you would like to wait for those.

COUNCILMAN FLEMING: Sure, I'll wait. Thank you.

PRESIDENT KING: Okay. Thank you. Councilman Blackwell, were you seeking recognition for any floor amendments?

COUNCILMAN BLACKWELL: I wasn't, but I do have one.

PRESIDENT KING: Possibly.

Possibly on business associations and Youth Alive?

COUNCILMAN BLACKWELL: Actually, the business associations is Councilman Kramer.

PRESIDENT KING: Councilman Kramer, I apologize. Let me recognize Councilman Kramer.

COUNCILMAN KRAMER: Mr. President, thank you. On page 21 of the operating budget, where it talks about the business association fund, there was some discussion at the Budget Committee meeting the other day about funding the budget -- the business associations in certain areas of the community. You'll remember that in the Mayor's budget, he had withdrawn all funding for business associations and so they hadn't gone through the external agency process at all. They were just zeroed out in the budget.

The group of us, the bipartisan group that was trying to negotiate a budget that we could all come to consensus on, had looked at the business agencies or the business associations and had decided that the best they could do was take the \$61,000, look at the number that each of the associations had requested, divide that by the amount of money that was available, figure out what a percentage was, and then offer to them a -- that percentage. That came out to be a very small number for many of these associations. I felt like when we were discussing this that at least seemed the most fair way to do it, since there was no external agency process. And I was willing to accept that as an alternative. When we got into the budget discussions, however, there was some question as to the deepness of some of these cuts and the fact that it would virtually render some of the funding useless, so there was a discussion about

perhaps going back and revisiting that. The president asked if myself and the Councilman from District 12 would get together, so we did. When we talked originally, one of the things that we felt would be appropriate would be to actually go back and look at the applications which had not been done. That was not true for any other external agency that we increased the funding for. All of the external agencies where we increased the funding, they had gone through a process, so when we increased the funding, we did that based on the process. There was no such process. So we went back then and began looking at the evaluations and created a process that we believed would be more fair.

And so the first thing we did is decide, you know, what kinds of activities would be appropriate for a government to fund within a business association, and with a list of those things in front of us, we went through and started looking at the applications and saying what were they asking for the money to do, what were they hoping to accomplish, and we were able then to decide which applications it seemed warranted a response. Then we went in and recognized that some of the associations were getting a considerable amount more this year than they had in the past, and considering the tightness of the budget, we realized that holding steady at last year's amount for those folks seemed most fair, and it allowed us to go in for the other agencies and treat them a bit more fairly as well.

And so I present to you tonight a list of the business associations and a proposed amount that each of them would receive, again, based on that -- that as extensive a process as we could go through in the short amount of time that we had. Obviously, the external agencies had more time. So I'd ask if Ms. Stenberg would go ahead and pass out the list so that folks can have an opportunity to see what we were able to come up with. And at this point, I will gladly entertain questions.

PRESIDENT KING: Councilwoman Hamilton.

COUNCILWOMAN HAMILTON: Thank you, Mr. President. I just wanted to know, who all was involved in this review? Was it just you and Councilman Blackwell? Was anyone from the administration involved as well?

PRESIDENT KING: Councilman Kramer, would you like to answer that question?

COUNCILMAN KRAMER: I would. It was myself, Mr. Blackwell, and one member of the Council staff. No, ma'am, the administration was not involved. Again and I apologize to the administration but we were operating on a fairly short clock.

PRESIDENT KING: Councilman Fleming?

COUNCILMAN FLEMING: thank you Mr. President. I appreciate what the two individuals went through this process and I know they spent some time and effort in doing all that. But I think that there were some agencies or some associations that were not given the opportunity to clarify or rectify some information in the process. I know that those two individuals went through a crunch time to try to do the best they can but I just want to say that I that there was an opportunity for those associations that had the opportunity to correct things that might come up.

PRESIDENT KING: Is there any other discussion? Hearing none, this is an amendment calling for a voice vote.

COUNCILMAN KRAMER: I think I need to move the amendment.

COUNCILMAN BLACKWELL: Second.

BUSINESS ASSOCIATIONS FUND

a.	<u>Area Chamber of Commerce, Inc.</u>	<u>700</u>	<u>0</u>
b.	<u>Butchertown Business Assn., Inc.</u>	<u>1,000</u>	<u>1,400</u>
c.	<u>CoAlliance of Business Assn., Inc.</u>	<u>19,100</u>	<u>18,800</u>
d.	<u>East Downtown Business Assn., Inc.</u>	<u>3,300</u>	<u>3,700</u>
e.	<u>Fern Creek Community Assn. &</u>		
	<u>Chamber of Commerce</u>	<u>2,100</u>	<u>2,600</u>

f.	<u>The Frankfort Avenue Business Assn.</u>	<u>4,400</u>	<u>6,500</u>
g.	<u>Highland Commerce Guild, Inc.</u>	<u>4,400</u>	<u>3,800</u>
h.	<u>Louisville East - Middletown</u>		
	<u>Chamber of Commerce</u>	<u>5,900</u>	<u>4,000</u>
i.	<u>Lyndon Area Business Assn.</u>	<u>2,400</u>	<u>3,000</u>
j.	<u>Main Street Assn., Inc.</u>	<u>900</u>	<u>3,000</u>
	<u>North East Louisville Business Assn., Inc.</u>		
k.	<u>Inc.</u>	<u>2,300</u>	<u>1,500</u>
l.	<u>Pleasure Ridge Park Area Business Assn.</u>	<u>1,500</u>	<u>4,000</u>
m.	<u>Shively Areas Business Assn.</u>	<u>1,500</u>	<u>2,200</u>
n.	<u>South Central Business Assn., Inc.</u>	<u>800</u>	<u>1,500</u>
o.	<u>South Louisville Business Assn., Inc.</u>	<u>1,800</u>	<u>2,600</u>
p.	<u>St. Matthews Area Business Assn., Inc.</u>	<u>7,600</u>	<u>0</u>
q.	<u>West Louisville Business Assn.</u>	<u>1,300</u>	<u>2,400</u>
		<hr/>	
		<u>61,000</u>	

PRESIDENT KING: I am sorry. I apologize. Councilman Blackwell.

COUNCILMAN BLACKWELL: One thing I just want to say that Councilman Kramer as always that councilman Kramer is always going to try to come up with a process and stick to it. He certainly did with this and it was an attempt to be as faithful to what we thought the committee would do had they gone through the due diligence, so I just want to say that I support the work and hope that you would as well.

PRESIDENT KING: If I hadn't had to wait on that second we would have already voted on this. Councilman Owen.

COUNCILMAN OWEN: I know in the morning I am going to be asked but without being specific

can you give a general explanation as to why some of the business neighborhood -- and I think it's important to say neighborhood business associations, why the number went down as opposed to what had been proposed.

PRESIDENT KING: Councilman Kramer that question is directed from me to you.

COUNCILMAN OWEN: It is indeed directed to the president -- from the chair to Mr. Kramer.

COUNCILMAN KRAMER: The number in the first column that's scratched through is the number of the working group said we have \$61,000. There were this many requests.

They took -- it was over \$200,000. They divided that.

Came up with the percentage.

It was like 30 something percent and they gave 30 percent of the ask.

We didn't look at what percent of ask at all as we began the process.

What we did instead was we started on the third page of the application which doesn't list who the association is. It just has the raw numbers.

We looked at those numbers to figure out which of those were items that typically one would expect the government to help an association with.

Things like are they doing programs that attract new business. Are they doing programs that attract people's attention to the business district and hopefully bring people into those communities.

So when we looked at those numbers, we just put at the top of each sheet these are the numbers they

are talking about.

We tried to balance it out that way.

The only other reductions were in some instances an agency might have received \$6,000 more this year than they had ever received in the past. Again recognizing that we're in a tight budget year and recognizing there are a lot of folks that are struggling for a few dollars we didn't feel like it was appropriate to appropriate large sums in excess while others were experiencing significant reductions. We tried to balance that as best we could.

COUNCILMAN OWEN: President King would you tell Mr. Kramer that I said thank you.

PRESIDENT KING: Councilman Kramer, Councilman Owen says thank you.

And if you have any other messages, just feel free to pass them along. Councilwoman Shanklin.

COUNCILWOMAN SHANKLIN: I think Mr. Kramer answered my question but I was surprised to see the our Poplar Level Road association wasn't included but you did answer my question. Evidently they did not apply this time.

PRESIDENT KING: Councilman Downard?

COUNCILMAN DOWNARD: Thank you, Mr. President.

I appreciate the work that my two colleagues put in on this.

I don't know -- we had five of us in a room doing this for about three weeks and we didn't just sort of sit down and decide to do a percentage.

We went through various options.

It was the one that we came up with.

I came up with a different one.

I noticed two people went to zero because I guess they didn't have a complete application. I don't know what that means.

Except for when I went through in my process for the other external agencies there would be a staff person who went back to get them to finish them.

I guess Councilwoman Ward-Pugh and Councilman Fleming, their person went to zero. So I don't know why we have to go messing with it but I appreciate all the work but I don't know why two people sitting in a room can do any better than five people sitting in the room.

But I probably will vote no.

PRESIDENT KING: Councilman Blackwell.

COUNCILMAN BLACKWELL: To respond to that, this is actually a third set of numbers because originally -- the information we got back from the work group originally said that -- let me back up. I'm very concerned about this because it was one of the things that I had said from the beginning I think we need to and said it to you frankly.

I think it's really important to have the neighborhood business associations have at least some monies.

You know I think that's critical.

And then from the beginning when the work group would bring back the information, the information that I got over this whole time that we were negotiating was that what we were going to do is the 62,000 or 61,500 whatever it was what that equaled up to be it was about 60% of what people got last year.

And that seems -- I wasn't thrilled with that but it seemed reasonable because it's sort of what we did with the external agencies in terms of putting the money back in.

We went back and looked at last year and where we could restore.

We tried to restore.

Very few people -- I don't think we went back to asks and gave percentage of asks.

I think we went back to last year for the most part.

So it seems consistent.

So you know then what I saw yesterday those ones -- those were the first -- that was the first time I saw those numbers yesterday and that's why I reacted the way I did because it was very different from what I had seen in the past.

I just hadn't heard it. Then I reacted to that.

And then I understood the explanation was that there were some who we were putting in there from last year who didn't actually apply this year so it made no sense to fund people who didn't even ask.

I understand that.

This is just a different way of coming up with that money.

I don't know that there's a fantastic way other than coming up with some more money and putting everyone with what they asked.

I don't think we have that.

PRESIDENT KING: Thank you, Councilman Henderson.

COUNCILMAN HENDERSON: I have one concern.

The Shively Area Business association I know what you're forming with because I looked at the others. And if you had about 60% of what they had before, that's leaving them considerably short and that formula looking at some of these others.

So it doesn't seem -- there's some kind of a mistake or something that's been made there it looks like.

COUNCILMAN KRAMER: If I may, Mr. President.

PRESIDENT KING: Councilman Kramer.

COUNCILMAN KRAMER: This approach doesn't get at 60%.

That 's not the formula.

This approach looks at -- this approach evaluates the application.

COUNCILMAN HENDERSON: I'm sorry; you went through the applications, every one of them I apologize.

COUNCILMAN KRAMER: Yes, sir. Every one of them.

And I apologize to those if I may who feel left out.

But I have -- I too have worked in the external agency process for many years now.

I know that in some -- in some of those external agency processes, if the paperwork is flawed, they will try to contact folks.

I know in some of those external agency processes we have overlooked or moved beyond applications because the application -- the applicant didn't supply enough information to make legitimate decisions.

Given that we were handed the applications this afternoon literally and had about two and a half hours to sit down and do this, I apologize to those agencies who did not -- for whom I didn't have -- for whom we didn't have enough information.

The difference in what they were seeking if -- we're not looking at millions of dollars.

If you go back and look at the agencies that we're talking about as it happens, the two agencies whose paperwork was incomplete were two agencies whose budgets were actually some of the largest budgets of business associations out there.

And the amount of money that we didn't fund that they would have been funded or that they were asking for wasn't a significant portion of their budget.

So I did I assure you feel some responsibility to that.

Which caused me to go back and check the budgets and see if in fact we were in some way shorting someone.

And again, I will fall back to the process, which I often do.

I started with the process that I believed was as equitable as I could make it.

I worked that process. I looked at the numbers again and again and again.

And stayed as true to the process as I possibly could.

It's not perfect. I'm not going to submit it as such.

I think it's more fair than the other way.

If you agree with me.

Please vote yes.

If you disagree with me I won't get my feelings hurt if you chose to leave it the way it is.

Thank you.

PRESIDENT KING: Councilwoman Hamilton.

COUNCILWOMAN HAMILTON: Thank you, Mr. President, while I appreciate my colleagues undertaking this review cursory as it was in two hours to try to make a good decision, I feel like the formula that we originally had was a little more fair to all of the associations that did not get funded.

Because when we looked at the external agencies, we had to make decisions.

But we didn't have an opportunity to go back over there.

Applications, you know, a lot of them came before the public hearings and had an opportunity to speak.

Whereas, I've never sat on the business association panel.

I've sat on just about all the other ones.

So I'm not sure how that process would go if there had been an external agency panel.

So while I appreciate hard work I'm not in favor of your recommendation.

PRESIDENT KING: Thank you.

Councilwoman Adams.

COUNCILWOMAN ADAMS: Can we just call the question?

I'm dying.

COUNCILMAN DOWNARD: Roll call vote, please.

PRESIDENT KING: Unless you -- does anyone really object to voting on this?

I hope not. Thank you.

All right.

We have before us the amendment for the business associations.

An amendment calling for a voice vote all in favor say aye.

Roll please.

PRESIDENT KING: All right.

Madam Clerk, roll call vote has been requested.

Please open the voting.

Voting result: Business Association Amendment

JUDY GREEN: YES

BARBARA SHANKLIN: YES

MARY WOOLRIDGE: YES

DAVID TANDY: YES

CHERI HAMILTON: NO
GEORGE UNSELD: NO
KEN FLEMING: NO
TOM OWEN: YES
TINA WARD-PUGH: YES
PRESIDENT JIM KING: YES
KEVIN KRAMER: YES
RICK BLACKWELL: YES
VICKI WELCH: EXCUSED ABSENCE
BOB HENDERSON: YES
MARIANNE BUTLER: YES
KELLY DOWNARD: NO
GLEN STUCKEL: NO
JULIE RAQUE ADAMS: YES
HAL HEINER: NO
STUART BENSON: YES
DAN JOHNSON: YES
ROBIN ENGEL: YES
JAMES PEDEN: YES
MADONNA FLOOD: YES
DOUG HAWKINS: NO
ELLEN CALL: NO

CLERK: There are 17 Yes votes, 8 No votes from Council members and one not voting.

PRESIDENT KING: Thank you. Is there any further discussion? Councilman Blackwell, are you ready with your amendment?

COUNCILMAN BLACKWELL: Certainly.

On Page I think 9 and then over into 10 we have the Public Works and assets.

Two things. on one the general fund balance would increase from \$47,324,600 to \$47,359,600.

And then the change --

P. 9 & 10 Public Works & Assets

1. **Increase general fund by \$25,000 from \$47,324,600 to \$47,359,600. (Changed to \$47,349,600)**
2. Change e as follows: "At least \$100,000 is included in J. 1. A. (1) above to be spent in Fiscal year 2008 – 09 on three suburban street sweeping cycles. Quarterly reporting of suburban street sweeping will be made to the Metro Council Transportation committee. Also included is ~~\$50,000~~ \$75,000 for vacant lot mowing, maintenance and tree removal in right-of-ways. \$25,000 of the \$75,000 will be used in District 1 through a contract with Youth Alive, Inc.

PRESIDENT KING: 49 or 59?

COUNCILWOMAN HAMILTON: Mr. President, do you have -- do we have a floor amendment, a copy? Do we have a written one?

PRESIDENT KING: It's being passed out now it looks like.

COUNCILMAN BLACKWELL: Sorry; I apologize.

It does make an awful lot easier.

PRESIDENT KING: That number again, was it -- was it 47,349,600 --

COUNCILMAN BLACKWELL: 59.

PRESIDENT KING: Okay.

COUNCILMAN BLACKWELL: I think what we saw was in the process we saw a couple of things. A lot of

people were concerned about enough funding for the vacant lot mowing especially. You know there's a big concern for that.

So we had added money into the budget for that.

And what this would do is to change under the also -- where it says also included as 50,000, it would change the number to 75,000 for vacant lot mowing.

Add the word maintenance, and tree removal and right of ways.

And then 25,000 of the 75,000 would be used in District 1 to contract with Youth Alive incorporated.

The thought there was to allow the -- to add along with it some opportunity for youth jobs, youth employment.

For them to be able to do some of the cleanup efforts.

Not that they -- that the jobs where we have to have the mowing and so on.

But to have the maintenance efforts. The cleanup areas with some youth jobs instead.

And still maintain the number originally expressed in terms of the concern for the -- being able to have the right of ways. Trees removed and right of ways and mowing to occur.

PRESIDENT KING: Thank you.

COUNCILMAN BLACKWELL: I move that.

PRESIDENT KING: May I have a second on that?

COUNCILMAN DOWNARD: Second.

PRESIDENT KING: It's now before us.

May I may suggest if you're adding 25,000 to 24,000 that the number should be 47,349,600.

COUNCILMAN BLACKWELL: You said that twice.

I should have taken a hint on that.

Being your profession and not profession I should have taken a hint on that.

PRESIDENT KING: If you'll adopt that number as part of yours and Councilman Downard seconded it. Is there any discussion on this amendment?

COUNCILMAN BLACKWELL: I will indeed.

PRESIDENT KING: Councilwoman Woolridge?

COUNCILWOMAN WOOLRIDGE: Thank you, Mr. President.

I will be voting no for this additional mowing and maintenance.

We talked about this extensively in the budget hearings for three weeks.

And to bring this to the floor tonight -- and while I have the floor, Mr. President, I would like to say this budget, it was a tough budget. We spent over three weeks giving and taking.

And although this is a good budget, basically I feel like it is somewhat flawed.

I feel like it's somewhat flawed.

Because it's disproportionately as far as various Districts.

Some Districts got everything almost that they wanted.

Other Districts are told: Wait.

Other Districts have been continually told to wait.

So I just will not be voting for any additional funding for particular Districts.

Because I would like for someone -- I would like for someone to really do an analysis of the budget. And to come up with what each and every one of us as Council members received in the budget. And I think you will find out that some of us were somewhat slighted.

And I don't know the reason. But it was a concern. Because when merger government came about it was to make our community better, our entire community, not just certain Districts, Thank you, Mr. President.

PRESIDENT KING: Is there any further discussion on this amendment? Hearing none this is amendment calling for a voice vote all in favor say aye.

SOME: Aye

PRESIDENT KING: All those opposed?

SOME: No

The ayes have it . **The amendment passes.**

COUNCILWOMAN WOOLRIDGE: I would like to roll call Mr. President sorry.

PRESIDENT KING: That's all right.

Madam Clerk please open the voting.

COUNCILWOMAN SHANKLIN: I guess I don't understand the monies for the whole -- all the Districts or is it for one particular area.

After Mary's comment I'm looking at this.

Is it for one particular area?

Or is it for the whole --

PRESIDENT KING: Councilwoman Shanklin, the amendment before us is to add funding for a contract with Youth Alive for District 1.

COUNCILWOMAN SHANKLIN: That's the whole amendment.

PRESIDENT KING: That's the amendment.

Without objection the voting is closing.

Are you having trouble clicking in?

COUNCILWOMAN SHANKLIN: No, I was thinking it was \$25,000 for Youth Alive.

PRESIDENT KING: The debate has ended on this.

COUNCILWOMAN SHANKLIN: It is not a debate, I want to know before I vote.

PRESIDENT KING: I think I answered your question. My point is I saw other hands going up and the debate has ended and we are in the voting process. If there is a question on what we are voting on I will be happy to answer that question.

COUNCILWOMAN SHANKLIN: I had my hand up two or three times but you never looked over. I'll vote but I have concern. The next time I hold my hand up, call on me please.

PRESIDENT KING: Thank you. I will do my best. It does help if you can click in on the system.

Voting result: Blackwell Floor Amendment

JUDY GREEN: YES

BARBARA SHANKLIN: YES

MARY WOOLRIDGE: NO

DAVID TANDY: YES

CHERI HAMILTON: NO

GEORGE UNSELD: NO

KEN FLEMING: YES

TOM OWEN: YES

TINA WARD-PUGH: YES

PRESIDENT JIM KING: YES

KEVIN KRAMER: YES

RICK BLACKWELL: YES
VICKI WELCH: EXCUSED ABSENCE
BOB HENDERSON: YES
MARIANNE BUTLER: NO
KELLY DOWNARD: YES
GLEN STUCKEL: YES
JULIE RAQUE ADAMS: YES
HAL HEINER: YES
STUART BENSON: YES
DAN JOHNSON: YES
ROBIN ENGEL: YES
JAMES PEDEN: YES
MADONNA FLOOD: YES
DOUG HAWKINS: YES
ELLEN CALL: YES

CLERK: There are 21 yes votes, and 4 no votes from Council members, Woolridge, Hamilton, Unsel, and Butler and one not voting.

PRESIDENT KING: Thank you. The amendment passes. Is there any further discussion or floor amendments? Hearing none we have the amended ordinance before us which requires a roll call vote. Madam Clerk, please open the voting.

Voting result: Operating Budget

JUDY GREEN: YES
BARBARA SHANKLIN: YES
MARY WOOLRIDGE: YES
DAVID TANDY: YES
CHERI HAMILTON: YES
GEORGE UNSEL: YES
KEN FLEMING: NO
TOM OWEN: YES
TINA WARD-PUGH: YES
PRESIDENT JIM KING: YES
KEVIN KRAMER: YES
RICK BLACKWELL: YES
VICKI WELCH: EXCUSED ABSENCE
BOB HENDERSON: YES
MARIANNE BUTLER: YES
KELLY DOWNARD: YES
GLEN STUCKEL: YES
JULIE RAQUE ADAMS: YES
HAL HEINER: YES
STUART BENSON: YES
DAN JOHNSON: YES
ROBIN ENGEL: YES
JAMES PEDEN: YES
MADONNA FLOOD: YES
DOUG HAWKINS: NO
ELLEN CALL: YES

PRESIDENT KING: Councilman Unsel, would you like to vote on this.

COUNCILMAN UNSEL: Yes sir, Mr. President I would. I don't do pressure well.

PRESIDENT KING: No pressure at all. The voting is closed.

CLERK: There are 24 Yes votes, one no vote from council member Hawkins and one not voting, CW Welch.

PRESIDENT KING: The ordinance as amended passes.
Thank you, everyone.

NEW BUSINESS:

PRESIDENT KING: Madam Clerk, the next item of business is New Business. New Business comprises items 46-65. Is that correct Madam Clerk? A reading of those items and their assignment to a committee please.

CLERK: Yes sir.

46. R-105-06-08 A RESOLUTION PURSUANT TO THE CAPITAL AND OPERATING BUDGET ORDINANCES,, APPROVING THE APPROPRIATION TO FUND THE FOLLOWING NONCOMPETITIVELY NEGOTIATED RENEWAL PROFESSIONAL SERVICE CONTRACT - (CLINICAL SCIENCE LABORATORY, INC. - \$27,000.00).

Status: On Council Agenda - New Business
Committee: Contracts
Primary Sponsor: Vicki Welch

47. R-106-06-08 A RESOLUTION PURSUANT TO THE CAPITAL AND OPERATING BUDGET ORDINANCES APPROVING THE APPROPRIATION TO FUND THE FOLLOWING NONCOMPETITIVELY NEGOTIATED NEW CONTRACT – (QUANTUMGRAPHIX, LLC- \$10,632.47).

Status: On Council Agenda - New Business
Committee: Contracts
Primary Sponsor: Jim King

48. O-114-06-08 AN ORDINANCE AMENDING § 21.06 OF THE LOUISVILLE/JEFFERSON COUNTY METRO GOVERNMENT CODE OF ORDINANCES [LMCO], RELATING TO ETHICS COMPLAINTS.

Status: On Council Agenda - New Business
Committee: Rules, Ethics, & Appointments
Primary Sponsor: Robert Henderson

49. O-116-06-08 AN ORDINANCE APPROPRIATING \$8,000 IN TOTAL FROM THE FOLLOWING NEIGHBORHOOD DEVELOPMENT FUNDS, \$1,500 FROM DISTRICTS 13 AND 25, \$500 FROM DISTRICTS 24, 3, 14, 23, 12, 6 AND 16, \$400 FROM DISTRICT 1, \$300 FROM DISTRICTS 20 AND 22, AND \$250 FROM DISTRICTS 10 AND 15 THROUGH THE DEPARTMENT OF FINANCE AND BUDGET TO THE KENTUCKIANA POLICE AND FIREFIGHTER'S CHILDREN'S BENEFIT FUND, INC. FOR OPERATING EXPENSES FOR KENTUCKIANA POLICE/FIREFIGHTERS' SUMMER BASH CELEBRITY TO PROVIDE CHRISTMAS PRESENTS FOR CHILDREN AT KOSAIR CHILDREN'S HOSPITAL.

Status: On Council Agenda - New Business
Committee: Appropriations, NDFs and CIFs
Primary Sponsor:
Doug Hawkins
George Unseld
James Peden
Jim King
Judy Green

Kelly Downard
Madonna Flood
Marianne Butler
Mary C. Woolridge
Rick Blackwell
Robert Henderson
Robin Engel
Stuart Benson
Vicki Welch

50. R-107-06-08 A RESOLUTION PURSUANT TO THE CAPITAL AND OPERATING BUDGET ORDINANCES APPROVING THE APPROPRIATION TO FUND THE FOLLOWING AMENDMENT TO A NONCOMPETITIVELY NEGOTIATED PROFESSIONAL SERVICE CONTRACT – (PFM ASSET MANAGEMENT, LLC - \$29,500.00 FOR A NEW NOT TO EXCEED AMOUNT OF \$45,000.00).

Status: On Council Agenda - New Business
Committee: Contracts
Primary Sponsor: Madonna Flood

51. R-108-06-08 A RESOLUTION PURSUANT TO THE CAPITAL AND OPERATING BUDGET ORDINANCES APPROVING THE APPROPRIATION TO FUND THE FOLLOWING NONCOMPETITIVELY NEGOTIATED RENEWAL PROFESSIONAL SERVICE CONTRACT - (UNIVERSITY OF LOUISVILLE - \$18,000.00).

Status: On Council Agenda - New Business
Committee: Contracts
Primary Sponsor: Judy Green

52. R-109-06-08 A RESOLUTION PURSUANT TO THE CAPITAL AND OPERATING BUDGET ORDINANCES, APPROVING THE APPROPRIATION TO FUND THE FOLLOWING AUTOMATIC RENEWAL OF CONTRACT - (UNIVERSITY OF LOUISVILLE SCHOOL OF PUBLIC HEALTH AND INFORMATION SERVICES - \$129,842.00).

Status: On Council Agenda - New Business
Committee: Contracts
Primary Sponsor: Judy Green

53. R-110-06-08 A RESOLUTION PURSUANT CAPITAL AND OPERATING BUDGET ORDINANCES APPROVING THE APPROPRIATION TO FUND THE FOLLOWING NONCOMPETITIVELY NEGOTIATED RENEWAL PROFESSIONAL SERVICE CONTRACT – (REED WEITKAMP SCHELL AND VICE, PLLC - \$40,000.00).

Status: On Council Agenda - New Business
Committee: Contracts
Primary Sponsor: Ken Fleming

54. R-111-06-08 A RESOLUTION PURSUANT TO THE CAPITAL AND OPERATING BUDGET ORDINANCES, APPROVING THE APPROPRIATION TO FUND THE FOLLOWING NONCOMPETITIVELY NEGOTIATED RENEWAL PROFESSIONAL SERVICE CONTRACT – (COMMUNITY COORDINATED CHILDCARE, INC. - \$140,000.00).

Status: On Council Agenda - New Business
Committee: Contracts
Primary Sponsor: Mary Woolridge

55. O-117-06-08 AN ORDINANCE CHANGING THE ZONING FROM R-4 SINGLE FAMILY RESIDENTIAL TO R-5A MULTI-FAMILY RESIDENTIAL ON PROPERTY LOCATED AT 7533

NACHAND LANE, CONTAINING A TOTAL OF 5.21 ACRES, AND BEING IN LOUISVILLE METRO (CASE NO. 10125).

Status: On Council Agenda - New Business
Committee: Planning/Zoning, Land Design & Development
Primary Sponsor: Tom Owen

56. O-118-06-08 AN ORDINANCE CHANGING THE ZONING FROM M-2 INDUSTRIAL TO CM COMMERCIAL MANUFACTURING ON PROPERTY LOCATED AT 8402 ST. ANDREWS CHURCH ROAD, CONTAINING A TOTAL OF 7,097 SQUARE FEET, AND BEING IN LOUISVILLE METRO (CASE NO. 9940).

Status: On Council Agenda - New Business
Committee: Planning/Zoning, Land Design & Development
Primary Sponsor: Tom Owen

57. O-119-06-08 AN ORDINANCE CHANGING THE ZONING FROM R-4 SINGLE FAMILY RESIDENTIAL TO R5-A MULTI-FAMILY RESIDENTIAL ON PROPERTY LOCATED AT 8418, 8500, 8504 AND 8506 FERNDAL ROAD, CONTAINING A TOTAL OF 25.29 ACRES, AND BEING IN LOUISVILLE METRO (CASE NO. 9689).

Status: On Council Agenda - New Business
Committee: Planning/Zoning, Land Design & Development
Primary Sponsor: Tom Owen

58. O-120-06-08 AN ORDINANCE CHANGING THE ZONING FROM C-1 COMMERCIAL TO C-2 COMMERCIAL ON PROPERTY LOCATED AT 2824 AND 2828 TAYLORSVILLE ROAD, CONTAINING A TOTAL OF 0.38 ACRES, AND BEING IN LOUISVILLE METRO (CASE NO. 9609).

Status: On Council Agenda - New Business
Committee: Planning/Zoning, Land Design & Development
Primary Sponsor: Tom Owen

59. O-121-06-08 AN ORDINANCE CHANGING THE ZONING FROM C-1 COMMERCIAL TO C-2 COMMERCIAL ON PROPERTY LOCATED AT 4149 BARDSTOWN ROAD, CONTAINING A TOTAL OF 0.58 ACRES, AND BEING IN LOUISVILLE METRO (CASE NO. 9973).

Status: On Council Agenda - New Business
Committee: Planning/Zoning, Land Design & Development
Primary Sponsor: Tom Owen

60. O-122-06-08 AN ORDINANCE AMENDING SECTION 150.110 OF THE LOUISVILLE/JEFFERSON COUNTY METRO GOVERNMENT CODE OF ORDINANCES ("CODE") PERTAINING TO PERMITS FOR THE WRECKING OF BUILDINGS AND/OR HISTORIC STRUCTURES.

Status: On Council Agenda - New Business
Committee: Planning/Zoning, Land Design & Development
Primary Sponsor: George Unseld

61. R-112-06-08 A RESOLUTION DETERMINING TWO (2) VACANT PARCELS OF REAL PROPERTY LOCATED AT 1316 WITAWANGA AND 1322 WITAWANGA AVENUE (approximately .28 total acres) OWNED BY LOUISVILLE/ JEFFERSON COUNTY METRO GOVERNMENT ("METRO GOVERNMENT") AS SURPLUS AND NO LONGER NEEDED FOR A GOVERNMENTAL PURPOSE AND AUTHORIZING ITS TRANSFER.

Status: On Council Agenda - New Business

Committee: Labor & Economic Development
Primary Sponsor: Glen Stuckel

62. R-113-06-08 A RESOLUTION DETERMINING FOUR (4) VACANT PARCELS OF REAL PROPERTY LOCATED ON ORMSBY LANE AS FOLLOWS: BLOCK 270, LOTS 42, 43, 44 AND 45 (approximately .43 total acres) OWNED BY LOUISVILLE/JEFFERSON COUNTY METRO GOVERNMENT ("METRO GOVERNMENT") AS SURPLUS AND NO LONGER NEEDED FOR A GOVERNMENTAL PURPOSE AND AUTHORIZING ITS TRANSFER.

Status: On Council Agenda - New Business
Committee: Labor & Economic Development
Primary Sponsor: Glen Stuckel

63. O-123-06-08 AN ORDINANCE APPROPRIATING \$6,000 FROM THE DISTRICT 16 NEIGHBORHOOD DEVELOPMENT FUND TO LOUISVILLE METRO PUBLIC WORKS AND ASSETS FOR REPLACEMENT OF SIDEWALKS IN THE WOLF CREEK SUBDIVISION.

Status: On Council Agenda - New Business
Committee: Appropriations, NDFs and CIFs
Primary Sponsor: Kelly Downard

64. O-124-06-08 AN ORDINANCE APPROPRIATING \$8,000 FROM DISTRICT 14 NEIGHBORHOOD DEVELOPMENT FUNDS, THROUGH THE DEPARTMENT OF FINANCE AND ADMINISTRATION, TO THE METRO UNITED WAY-LOUISVILLE ASSET BUILDING COALITION FOR VOLUNTEER INCOME TAX ASSISTANCE PROGRAM.

Status: On Council Agenda - New Business
Committee: Appropriations, NDFs and CIFs
Primary Sponsor: Robert Henderson

65. O-125-06-08 AN ORDINANCE OF LOUISVILLE/JEFFERSON COUNTY METRO GOVERNMENT AUTHORIZING THE ISSUANCE AND SALE OF LOUISVILLE/JEFFERSON COUNTY METRO GOVERNMENT MORTGAGE REVENUE REFUNDING AND IMPROVEMENT BONDS, SERIES 2008A (UNIVERSITY OF LOUISVILLE PAPA JOHN'S CARDINAL STADIUM PROJECT) IN A PRINCIPAL AMOUNT NOT TO EXCEED \$45,500,000 AND LOUISVILLE/JEFFERSON COUNTY METRO GOVERNMENT MORTGAGE REVENUE BONDS, SERIES 2008B (UNIVERSITY OF LOUISVILLE PAPA JOHN'S CARDINAL STADIUM PROJECT) IN A PRINCIPAL AMOUNT NOT TO EXCEED \$48,500,000, THE PROCEEDS OF WHICH SHALL BE LOANED TO UNIVERSITY OF LOUISVILLE ATHLETIC ASSOCIATION, INC. TO FINANCE AND REFINANCE THE ACQUISITION, CONSTRUCTION, INSTALLATION, EXPANSION AND EQUIPMENT OF A SPORTS STADIUM AND RELATED FACILITIES; PROVIDING FOR THE PLEDGE OF REVENUES FOR THE PAYMENT OF SUCH BONDS; AUTHORIZING A LOAN AGREEMENT AND TRUST INDENTURE APPROPRIATE FOR THE PROTECTION AND DISPOSITION OF SUCH REVENUES AND TO FURTHER SECURE SUCH BONDS; AUTHORIZING A PRELIMINARY AND FINAL OFFICIAL STATEMENT; AND AUTHORIZING OTHER ACTIONS IN CONNECTION WITH THE ISSUANCE OF SUCH BONDS.

Status: On Council Agenda - New Business
Committee: Labor & Economic Development
Primary Sponsor: Jim King

There being no further business, the **June 26, 2008** Regular Louisville Metro Council meeting adjourned without objection on a motion by Councilwoman Ward-Pugh without objection at 9.22 PM EDT.

Kathleen J. Herron, Metro Council Clerk

Jim King, Metro Council President

Announcements were made by CW Woolridge and CW Green.